



THIS THE GARDEN

of the Holy Spirit
 and the Church

An Examination

OF



MR. COBBETT'S OBJECTIONS

TO THE

BILL

FOR THE

RELIEF OF THE UNITARIANS.

BY THE AUTHOR OF

*"An Appeal to the Protestant Dissenters of Great Britain, to
unite with their Catholic Brethren, for the Removal of the
Disqualifications by which they are oppressed."*

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A

EXAMINATION, &c.

The advocates of religious liberty have abundant reason to exult at the progress which their cause has made in the session that is just concluded. If, indeed, their loftiest expectations were, in one instance, disappointed, at the very moment that the glorious object seemed within their grasp, they have been richly consoled in the general spirit elicited—in the temper maintained—in the talents displayed—in the prejudice removed—in all those signs which evince the enlarging capacities and improving morals of the Christian world. But in other cases, the victory has been more decisive. The measure, by which our own religion was tolerated in a country where all others are sanctioned, was carried by large majorities, it pacified the most opposite; and, finally, a Bill to annul the cruel but obsolete statutes, which threaten the Unitarians with penalties worthy of the Inquisition, has passed both houses of Parliament without a hand or a whisper being raised to oppose it. The ministry muttered no calumnious words about disaffection—the judges expressed no trembling anxiety for the immutability of the laws of our ancestors—not an antijacobin clamored against innovation—not a bishop declaimed against heresy. The church, either from conviction or drowsiness, nodded assent; and all seemed to be anxious only to let the obnoxious statutes pass quietly into oblivion. The conquest appeared thus to be won without a battle; when the friends of the righteous measure beheld an

enemy, arising from a quarter the most unexpected. With unspeakable astonishment, they saw themselves engaged with the avowed friend of the liberty of the press, and of the mind,—the great apostle of political reform—and the strenuous opponent of bigotry and corruption. It is to an examination of the objections of this chivalrous antagonist, that I have now to invite the attention of my readers, requesting them constantly to refer to those Numbers of his Register, on which my observations are founded.

Before I proceed, however, to examine the arguments by which Mr. Cobbett has opposed the repeal of these obsolete and ignominious enactments, it will be necessary to state what they really are. The Blasphemy act, after denouncing the sentiments at which its thunders are levelled, as *detestable crimes*, proceeds to declare, that if any person, educated in the Christian religion, and *professing the same*, shall by printing, teaching, or advised speaking, deny any one of the persons of the holy Trinity to be God, (or shall maintain that there are more Gods than one) he shall for the first offence be rendered incapable of holding any office or place of trust, and for the second SHALL BE RENDERED, INCAPABLE OF BRINGING ANY ACTION, BEING GUARDIAN, EXECUTOR, LEGATEE, OR PURCHASER OF LANDS, AND SHALL SUFFER THREE YEARS' IMPRISONMENT WITHOUT BAIL;—and by the 17th ch. of the famed Act of Toleration he is excepted from all its advantages, unless within a certain time he publicly recants his errors. See 4 Bla. Com. pp. 44 - 49. Thus were these unfortunate sectarians not only excluded from the partial toleration which was extended to their Christian brethren—they were not only marked as objects of contempt and derision—not only separated from the numerous and contending parties of the Christian world, by an insuperable barrier,—but placed in daily peril of languishing in the dungeons which ancient tyranny had erected for our high-minded ancestors, and becoming, like them, outcasts of society, deprived of the dearest rights of men and citizens, and with no earthly blessing left them to cheer their forlorn existence. In these enlightened days, when intolerance itself is compelled to assume a gentler aspect, no one is hardy enough to put these

orthodox enactments into execution. They still, however, remain, to the disgrace of our statute book and our religion—still hang suspended over the heads of those who must transgress them every time they address their conscientious and fervent homage to the Father of Mercies. Forming a complete anomaly in our system of legislation, they appear to the eye of a philosopher as a kind of antique curiosity; to be surveyed with a feeling similar to that with which we view a Gothic arch—the gloomy and awful remnant of some abode of wretchedness and superstition; standing singly intire and unimpaired, amidst the crumbling ruins, which the lapse of ages has reduced to decay, and which darkens the imagination with the austere grandeur of the original fabric.

To the removal of these dreadful penalties, Mr. Cobbett has offered several objections, which are well deserving of our attentive consideration, whether we consider the talents of the objector; his tried attachment to political freedom; his sufferings in the cause of free discussion; his general openness to conviction; or the novelty of the arguments themselves. He thinks, then, if I rightly understand his reasonings, that the Unitarians are not entitled to the relief which has been demanded for them, because they are not Christians; and therefore to allow them to propagate their sentiments, and to refuse the same permission to the Deist, would be partiality to the former, and oppression to the latter; that the cause of religious liberty will suffer by satisfying a particular class of claimants; that the ministry will obtain an accession of power by their indulgence; and that dissenters in general are intolerant and unfriendly to the very liberty they are earnestly demanding.

In support of the first of these positions, it is argued that the dissenters in question do not believe the Scriptures to be the word of God, as they deny particular parts of them, which are supposed to contain the doctrines of the incarnation, and others to which they refuse their assent. In the first place, I deny the premises on which the position is founded. Many of those who are included in the sweeping and terrible denunciations of the Blasphemy act and the Athanasian creed, believe the whole of the Bible to be the word of God; they most devoutly receive its account of the miraculous conception; and contend most strenuously for the authenticity of the disputed narratives. It may, say they, be perfectly true,

that Christ was born of a virgin, and yet perfectly false, that he is the very and eternal Father. It may be incontrovertibly true, that the Messiah is a divine person, and yet the individual existence of the Holy Spirit may be greatly questionable. Among those "who deny any one of the persons of the Trinity to be God," there is an infinite variety of minute shades of difference, which naturally result from bold and liberal reflection. It is not one sect, but many, that are striving to break their chains: disagreeing in a variety of respects; but uniting in a firm and unvaried attachment to the principles of civil and religious freedom.

In the second place, granting, for a moment, that the whole of these obnoxious sectarians are agreed in believing certain parts of the English version of the Scriptures to be interpolated or mistranslated; granting that there is no medium between the creed of Athanasius, and the opponents of Mr. Cobbett, I cannot admit the justice of his triumphant conclusion. Surely it was never before contended, except in the pulpits of the very lowest of the methodists, who are the objects of Mr. C.'s liberal abuse, that every word of an English version of the Scriptures is the word of God. Has the hand of some guardian angel preserved every Greek accent and Hebrew vowel from the unavoidable injuries of time! Were our translators, and their wise and royal master, placed beyond the reach of prejudice, exalted above the influence of passion, gifted with unerring wisdom, and more than mortal acuteness? On the contrary, there is scarcely a Christian sect on earth, which does not perpetually exercise all its learning in the profound investigations of biblical criticism. The luminaries of the Church of England, the Tillotsons, the Paleys, and the Horseyes, have repeatedly displayed and corrected the errors of manuscripts, and of translations. To take but one instance out of a multitude, the celebrated passage in St. John's Gospel, on the very point in question, has been declared an interpolation by the almost unanimous voice of the learned of the opposing parties. The venerable Bishop of Landaff, in his masterly confutation of the "Age of Reason," a work which will survive as the defence of our holy religion, when every penal statute has sunk into deserved oblivion; not only criticises but rejects. But all these worthy characters, according to Mr. Cobbett's reasoning, have forfeited their

title to Christianity, by their efforts to defend it. In common justice to Mr. Paine, his ~~reverend~~ antagonist should have been ~~re-~~sected with him, and all that are truly good and great, be separated from a faith, to be received without examination, and believed without knowledge.

What, then, is it necessary for a Christian to believe, respecting the Scriptures? The simple and obvious answer is to be found in the declaration which all Dissenters are required to make—and which the Unitarians are of course in the practice of making—when they become public teachers: That these holy books **CONTAIN** the revealed will of God, and are the rule of doctrine and of practice. These, the Unitarian considers as the rule; his misfortune is, that he considers them also as the *only* rule. This is “the very head and front of his offending.” Mr. Cobbett, on the other hand, believes the doctrines which he considers as orthodox, not because they are contained in the Scriptures; for that he acknowledges he does not waste his time in inquiring; but because he finds them in the articles of his Church, by Law established. His adversaries, on the contrary, who do not acknowledge the Church as the true interpreter of Scripture, reject these positions because they do not see them revealed in the sacred records. Those, therefore, who profess to follow Christ as their only leader, have no right to be called by his name, and no claim to an honor which ought exclusively to dignify those who receive the divine light through a human and a fallible medium!

But these most heterodox of Dissenters from the Church of England, have no right to be called Christians, because they reject some doctrines, as irrational and unintelligible, and retain others equally mysterious. For instance, some of them oppose the belief of the incarnation of Christ, while they cherish a rapturous and confident hope of immortality from his triumphant resurrection. Upon the same ground, the Church of Rome might have denied the claim of our reformed Church to Christianity; because, upon this very principle, she rejected the doctrine of transubstantiation, while that worthy mother of all that is enchanting in mystery, might have reproached her with inconsistency in retaining her belief in the Trinity. Infinitely as the loftier glories and boundless expectations, which Christianity offers to our speculation, transcend those faculties by which they

are dimly surveyed, we must clearly understand that God has revealed their truth, or we only mutter a kind of cabalistic word, to which we are unable to affix any definite meaning. We can no more believe without knowledge, than we can know without ideas.

Let us, then, for a moment, put the Church and her damnatory creeds aside, and coming "to the only rule of faith," inquire what belief it is which is there required to constitute a believer in Jesus. "This" says he, addressing his heavenly Father, "is life eternal; to know thee, the only true God, and Jesus Christ whom thou hast sent." The profession required, by the inspired teachers of his religion, of those whom they converted, was a simple belief in the Messiahship of their Master, and that the Almighty had raised him from the tomb, as the proof of the divinity of his mission, and a pledge of a similar resurrection for his humble and yet aspiring followers. Whatever, then, the Unitarians may disclaim, this they steadfastly believe; on this they confidently repose their hopes of life and immortality. They first receive the Scriptures, because they commend themselves to their reason and to their hearts; they next acknowledge these principles, because they find them there inculcated, and they reject the opinions they conceive to be false, because they think that they oppose the tenor of the sacred volume, and injure the holy cause for which they are anxiously contending.

Of these topics, however, Mr. Cobbett glories in being ignorant; "for as there are settled laws and indeed express Acts of Parliament to regulate his faith and worship," he thinks inquiry at once idle and unnecessary. In India, then, he would devoutly have submitted his reason to the ordinances of Brachma; in Turkey, he would have been a follower of Mahomet; in Italy, a Roman Catholic; in China, a Confucian; in Egypt, he would have worshipped the onions on which he banqueted; in Otahiti, the stones upon which he trampled. But would he allow the stupendous powers of human genius, which assimilate us with our Almighty Creator, to be employed on the petty concerns of this transitory scene, and restrain them from nobler exertions on subjects which will employ them for ever? Must we chill the imagination of the poet, and ridicule the aspiring reason of the Philosopher? and shall we rest the enchanting hopes and celestial consolations, which cheer the weary

and animate the wretched, on the unstable basis of a priestly decree? or, to use an argument more suited to Mr. Cobbett's habits of reflection, can ~~he~~ ^{he} ignorant of the pestilential influence of universal errors in religion, on the moral and political welfare of society? The page of history will inform him, how nearly mental greatness and political freedom are connected, and how easily are those subservient to the most degrading despotism, who have surrendered their consciences to a powerful and ambitious priesthood.

If, then, the claim of these sectarians to the name and character of Christians be fully established, there can be no reason why they should not be placed on a level with their brethren dissenting from the Church of England. But this, it seems, will be a partial favor, and a piece of gross injustice to those whom it will not benefit. This, however, cannot be the feeling of any other party of Christians, because they are already emancipated from these grievous penalties, and it is those only, who totally deny the authority of revelation, who will have a pretence for complaining. But I am unable to perceive how the freedom of one sect to exercise its worship can be to them more galling than the liberty which has long been conceded to a multitude. If there is any weight in the objection, the Deist was most cruelly oppressed by the act of toleration: it was to him most injurious to repeal the salutary laws, by which the Catholics were threatened with the penalties of treason, if they dared to propagate the religion of their fore-fathers; and if ever the enlightened advocates of the Irish petitions should succeed, they will have forged new chains for the oppressed and wretched unbelievers.

But we are next told that the cause of religious liberty will suffer by pacifying the clamors of one class of petitioners; that, so far from advancing, it will greatly impede; and that the change, which will set the mind completely at liberty, must be sudden to be effectual. If this reasoning were correct, it would prove, that every act, by which intolerance has confessed its weakness, has placed us farther from the accomplishment of our wishes; that it was greatly prejudicial to favor all the rest of the Christian world to the exclusion of the Unitarians; and that, in order to promote the cause of liberty of conscience, our meetings ought to be

closed, our lips sealed, and our worship confined to the recesses of those woods which were once hallowed by the simple rites of our persecuted ancestors. On another ground, this singular argument is entirely fallacious; it is false, that any sect will be *satisfied* by the proposed repeal. The Unitarians will only be placed on a level with the rest of their dissenting brethren; they will then have all their disqualifications and wrongs in common, and they will be more than ever bound to a cordial and vigorous cooperation. At present, the exertions of some of the ablest and most illustrious dissenters are engaged in attaining a particular object: let that be once obtained, and they will give their undivided assistance to the general cause of humanity. They have ever been its boldest and firmest advocates. Among these prescribed Sectarians, we behold a Locke and a Newton; and if Mr. Cobbett's contempt for that Classical lore which elevates, refines, and softens, the soul of its possessor, has prevented him from respecting Gilbert Wakefield as a scholar, he can never forget him as a dauntless and suffering patriot. Did the cause of political, legislative, and moral reform ever receive more powerful support than from Price, and Priestley? Is Mr. Cobbett ignorant that at the dinner of the Unitarian fund, "the Cause of civil and religious liberty all over the world" was drank with an enthusiastic feeling which was evinced in long and repeated applauses? Are the names of Friend and Rust totally unknown to him? Of the religious creed of these distinguished characters, I express, like Mr. C., no opinion; but while I have before me their speeches and writings, while I can peruse the admirable sermon of Mr. Belsham on the Catholic Claims, and that of Mr. Aspland on Religious Liberty, I am compelled to acknowledge the singleness of their views, the extent of their capacities, and the integrity of their hearts. "We wish not" (says the last-mentioned author) "for unity of opinion in the bond of ignorance, nor unity of profession in the bond of hypocrisy, but for unity of spirit in the bond of peace." If this pure Christianity should be once impressed on every heart, the reform for which Mr. Cobbett has so ably contended must speedily dispel that corruption which we unite in detesting.

As I have not made those concessions to Mr. Cobbett, which have furnished him with weapons to combat his free-thinking op-

ponents, it will not be necessary for me to enquire how far he has here been successful. I shall, therefore, proceed, concisely to notice his assertion, that a partial repeal of penal statutes will impede, instead of advancing, the abolition of the whole system. In his opinion, nothing will be done till the whole is obtained. Now, in the *first* place, however edifying it might be to see the principle of intolerance, which has in this country assumed the aspect of mildness and toleration, displayed in one instance in its native colors;—however disgraceful to that principle, which nothing can really disgrace, that such a monument of its malignity should be preserved to warn us from its gentler advances—he must have but little sense of generous feeling, who would desire the advantage, at the expense of the ignominy of his country, the scandal of his religion, and the sufferings of his persecuted brethren. In the *second* place, it is not true that the Unitarian would be distinguished from the mass of professing Christians by the repeal of these obnoxious enactments. They would only be placed at their side to fight the general battle with courage invigorated by success. In the *last* place, it is abundantly evident, from a survey of history, that the most valuable reformation were never accomplished by a sudden and mighty effort. A great distinction between the progress of truth and of ambition is, that the one is turbulent and splendid; the other, gradual and often obscure. True it is, that the abodes of corruption may sometimes be overwhelmed by terrible and sudden commotions; but then they oppress much that is beautiful in their fall, and the Augean stable is cleansed by the blood of the innocent and the mistaken. Truth, on the contrary, like a gentle stream, silently pursues its course, unnoticed, through scenes of desolation and of misery, till it acquires strength by its unimpeded progress, and at length appears triumphant over every obstacle. Mr. Cobbett quotes the reformation from Popery in England, as an instance to the contrary, but surely it will be found that he has here been singularly unfortunate. The first step was indeed taken, and the way was first opened, by the lust of a cruel and ambitious Monarch, but it was by the gentle progress of intelligence and a proper spirit, that we have thus far shaken off the bondage of corruption. Even yet, the work is incomplete; although it is rapidly advancing, in spite of Mr. Cobbett's exertions, The repeal

of the laws in question) is a part of the same glorious chain of events which then commenced, and which will never be completed till every statute that opposes the progress of mental advancement shall have sunk to its destined oblivion.

The French Revolution, another of Mr. Cobbett's instances, furnishes a striking illustration of my remark, with respect to violent commotions. That was, indeed, at once effected. The degrading superstitions of the National faith, and the ignorance to which Priestcraft is naturally allied, prevented the salutary influence of gradual and effectual reformation. There was a point, however, at which human nature could endure no longer: the spirit which might have improved, violently overthrew—the tenderest affections were violated, and the name of freedom profaned—till the gust of passion subsided as quickly as it rose: and after strewing the wretched country with monuments of ruined greatness, took refuge in a military despotism.

But, if Mr. Cobbett's position be just, then must the Catholic claims never be conceded—Then has he, in every line he has written in their favor, rivetted the chains of his posterity—then ought all Dissenters to be still regarded as outlaws to society, then ought the Baptists still to be burned for heresy, and the Catholics quartered for treason—till every feeling of human nature had been outraged—till oppression had roused “the might that slumbers in the peasant's arm,”¹ and a religious insurrection left no sanctuary pure, and no altar inviolate. If no improvement for which reason is to strive with power, could have been gradually effected, then would the African slave-trade never have been abolished. If a partial repeal of unjust laws be unjust, then would that enlightened lawyer, Sir Samuel Romilly, whenever he attempted to abrogate a single bloody and obsolete statute, be found guilty of opposing a total and radical change. It is, then, most unjust, and partial, that the shoplifter should be exempted from the gallows, while the sheep-stealers are left in jeopardy, and the ladies who deal with the Spirit of Evil, should fight with those heretics who deny the existence of their Satanic master, for their proposed exemption from the punishments of justice. But we are told that it is by assenting to measures

¹ Campbell.

like these, that the ministry will maintain an empire over the minds they have set at liberty, most perilous to general freedom. Now, in the *first* place, we reply that the liberty of worshipping the Almighty, unappalled by the apprehensions of imprisonment and of outlawry, is not requested as a boon to be conceded, but demanded as a part and only a part of a right which has been unjustly withheld. In the *second* place, it is abundantly manifest, that it is not to the petitions of Unitarians, but to the intelligence of the times, that the ministry, with all other parties, have silently yielded. And *lastly*, it is to be observed, that since the guardians of the church have as readily acquiesced in the alteration as those of the state, if, therefore, the successful heretics will feel a grateful affection for ministers, how much more for the Prelates and Archbishops! They will return at once to the altar and to the throne; and if they become as loyal as Mr. John Bowles, it will be some consolation that they will become as orthodox as Mr. Cobbett.

Such, then, are the arguments which the great political reformer has used on this interesting subject. He denounces the Unitarians as *infidels*, for a reason which would unchristianize all who have done honor to his church—upon this assumption, he builds the conclusion, that to remove these dreadful penalties would be partial and unjust—then advances a position which would paralyse the noblest efforts of human virtue, and reduce us to unspeakable wretchedness—and lastly abuse all those who dissent from his church, in a style well adapted to the coherence of his former reasonings.

So far from considering difference of sentiment as an intolerable evil, I regard it as an invaluable blessing. Proceeding from that variety of intellectual capacity in which nature most delights to prove the exuberance of her powers, and the attraction of her loveliness, it sharpens the intellect, enlarges the understanding, invigorates the soul, enrouses the genius, and adds purity and salubrity to the moral atmosphere. Its political advantages are vast indeed. It promotes a general spirit of reflexion, enlivens the sense of liberty, destroys the remnants of superstition, and prepares the character for the loftiest exertions in the cause of humanity and freedom. In those countries, where one common belief prevailed, where the mind was restrained from every inquiry as impious, where a Galileo

was imprisoned for his heretical philosophy, and an inquisition resounded with the groans of all who dared to be truly great, the soul was suffocated with vice, till it wore the raiment of despotism without indignation; and religion was prostituted by her ministry, till vice became triumphant under her image. Italy, the sacred abode of Roman greatness, and the parent of all that is enchanting in modern literature, has sunk into insignificance and contempt: and Spain, abounding in internal richness and foreign treasure, declined into splendid wretchedness and glittering imbecility.

Mr. Cobbett introduces into his articles on these subjects, high-sounding declamations against Methodism and against Indian missionaries, with some hints as to the education of the poor and the Bible Society. It is very singular that the doctrines which he alleges against the Methodists are only hideous caricatures of the articles of his admired church. As he has stated them, they would be disclaimed with horror by every sect under heaven,—but when divested of his frightful coloring, they will be easily recognised as *heresies*—the inefficacy of our own righteousness, and the vicarious atonement of the Son of God. These are the doctrines which it is damnation to reject, and worse than treason to propagate, the doctrines, for preaching which, one sect is reviled in terms the most disgusting, and for denying which, another is to be visited with penalties the most ignominious.

To admit all these terrible and discordant sects to unite in the great work of the conversion of the Hindoos would be, Mr. Cobbett thinks, to pour on them all the plagues of Egypt. They must wait for the blessings of Christianity, till we have settled our differences at home: because, otherwise, rival sects will arise as a curse to the devoted country. If this be true, our holy religion has been an universal pest; for in what place has it shed its genial influence, where all of its professors have agreed respecting its doctrines? And he who thus treats Christianity as a curse, brands his opponents as unbelievers! Granting, however, that schism is an evil—granting that variety is odious; and controversy prejudicial, it will still be a most pressing question which of the two evils is the greatest—The lascivious and bloody rites of ferocious deities, the exposure of the aged, and the self-murder of the widow, the mental degradation of the unfortunate followers of Brahma, or the contro-

versies of Mr. Belcham, and Mr. Wilberforce, of Mr. Cobbett and the friends of religious liberty.

There are, however, some exertions in which all these discordant Sectarians cooperate—there are occasions on which they drop their weapons of hostility—and those occasions are most sacred and delightful. In diffusing that book which CONTAINS the tenets of their faith, and the rules of their practice, they unite in hand and heart: firmly assured that it exhibits the finest consolations for suffering humanity, and the noblest precepts, enforced by the most awful sanctions, they throw aside their mysteries on the one hand, and their criticisms on the other. That the Unitarians are engaged in this great work, sufficiently proves that they regard the scriptures as the source of those sentiments, for which they have been suffering. If any circumstance can add to the pleasure we derive from this almost heavenly harmony, it is to be found in the patriotic and united efforts for the education of the lower orders of society. There all that is interesting is blended with all that is useful; every school becomes a “Land of Promise,” teeming with these seeds of moral goodness and political greatness: and while the assimilating parties are delighted with the opening beauties of the spring, they are assured that an unbounded harvest awaits their posterity. It is thus that we are proceeding by a gentle but irresistible progress, till the Christian world becomes a mass of diversified opinions and united hearts—till every faculty is exerted for the improvement and exaltation of our nature—till every barrier to freedom is overthrown—and those transporting visions are realised, in which we are contented to forget for a while the dungeons that are still to be broken open, and the evil spirit that is yet to be vanquished. It is but as a part of the train of these anticipated triumphs, that I have thus cordially hailed the repeal of the statutes in question—but on this our opponent may rely, that we will neither intermit, nor relax our exertions, till they have been crowned with success, in the final establishment of Religious Liberty.

PLAN
FOR
INCREASING THE INCOMES
OF
OFFICERS OF THE ARMY,
AFTER A CERTAIN PERIOD OF SERVICE, OR BEING DIS-
ABLED FROM WOUNDS, &c. &c. OR INVALIDED;
AND ALSO
FOR A PROVISION,
IN ADDITION TO THE GOVERNMENT ALLOWANCE, TO
OFFICERS' WIDOWS,
AND
A LIBERAL ALLOWANCE
TO THE CHILDREN OF OFFICERS,
For the purposes of Education, &c.
TO BE EFFECTED
BY A YEARLY CONTRIBUTION.

By **DAVID ROBERTS, Esq.**
Lieutenant Colonel in his Majesty's 61st Regiment of Light Infantry,

WITH A SUPPLEMENT
By **JOHN PHILIPPART, Esq.**
PUBLISHED EXCLUSIVELY IN THIS WORK.

LETTER.

TO THE

OFFICERS OF THE BRITISH ARMY.

• GENTLEMEN,

THE nature of my object in publishing this address will, I trust, suffice, and warrant the intrusion of my laying it before you and the public. Having entered the army at an early period, my pursuits have been entirely military, which must be my apology for any literary inaccuracy. I therefore, without further comment, enter upon the subject of my letter.

Much has been said, and many efforts have been made, highly honorable to those who espouse the cause of the officers of the army, to accomplish some increase of pay. We all feel it a measure devoutly to be wished for, but, probably, not easily practicable. There I must leave it; but, I trust, my brother officers will, on consideration, agree with me, that any measure tending to their benefit, at a time of life when most wanted, is of infinitely more importance than any immediate addition of pay.—The reason is obvious: no increase of pay can be placed in competition with the annuity that shall render the declining years of life not only comfortable but respectable. The former is given when the active exertions of youth overcome innumerable difficulties; the latter smoothes the hardships attendant on age and infirmity; and the little which by this plan is laid up in store will, when those infirmities require, permanently ensure the comforts of life then really and truly desirable.

This is a plan by which the veteran, the infirm, the wounded, the mutilated officer, of every rank, may have the winter of a life spent in his country's service made easy and respectable; and also a provision for his widow and children. It will enable him to return to his native home greeted with the affectionate regards of his friends, with the self-approbation of a life honorably distinguished; and with an income suitable to his situation and merits, he may pass the remainder of his days *in otio cum dignitate*.

Those officers that have served long must often, and painfully, have witnessed the difficulties, communications, and variety of calamities, too frequently attendant on veterans and their families, who, in the decline of life, bitterly experienced frequent and accumulated evils; yet, a certain delicacy so clings about them, and their wants are so irksome, they cannot meet the world's eye, and many such have been victims to a broken spirit. Anxious in any degree to alleviate such sufferings, I take the freedom of an old soldier, to point out to the army at large enlivening prospects, and which, if brought into action, cannot fail being salutary to the service, and beneficial to the man.

The plan proposed is by subscription, and will fall so easily on the different ranks that it will hardly be felt; and the prospect of certain benefit resulting from it will cheer the heart, and smooth the rugged path of duty.

The affluent have two motives to influence their contribution: the first, the pleasing reflection that they are conducing to the comfort of their brethren in the army;—the other, the uncertainty of human affairs, which may reverse their circumstances, and give them an individual interest. The soldier of fortune has every motive to be a subscriber,—a certain prospect of having the declining years of his life rendered comfortable, and his appearance respectable. On a fair calculation, the whole subscription of an officer, from his entrance into, until his retirement from the service, will be comparatively trifling; and when we reflect, that, for a small sum, paid in so gradual a manner as to be almost unfelt, the return will be made with an amazing increase, at a time when man most wants the indulgences of life, so plainly appears this advantage, that I should imagine there cannot be a dissentient voice. The infirm officer, whose constitution is broken by foreign service and a pestilential climate, the wounded and the mutilated, have the consolatory reflection, that from the fund they can assure themselves of a comfortable and honorable addition to their incomes.

which will render them independent, and enable them to preserve their rank in society.

It is a well known fact, that there are not places sufficient in this, nor any government, for the reward of all the old and gallant officers who have served the state; many must retire on their half pay,—a miserable, a wretched stipend! To increase this stipend is one object of the proposed institution.

I do not conceive it necessary that an officer, having served his number of years, and arrived at the age that will entitle him to claim an advantage from the proposed fund, should be obliged to retire from the service, or that this ought to be an additional reason for his doing so; on the contrary, if capable, it is his duty, and ought to be his inclination, still to draw his sword in the service of his country; but he will be enabled to claim such an addition to his full pay from the fund, as will make his circumstances comfortable. The soldier of fortune entering the service will have this always in view; and it will be to him a peculiarly pleasing reflection, that whenever he may be disabled, and incapable of service, there will await him a substantial subsistence. When we calculate how rapidly the prices of every article of life have risen within the last twelve years, we have more forcible motives to induce us to provide for the time to come; and when we reflect that even at the present moment the stipends of many, infinitely our inferiors in rank in society, frequently exceed the full pay of the subalterns in the army, can I urge a more substantial plea?

Respecting widows and orphans little need be remarked. The husband and the father have only to consult their own feelings. When called upon in the course of duty, is it possible to appreciate the difference of sensations that must arise between the man whose mind is doubly fortified against the horrors of death, first, in honorably performing his duty as a citizen and a soldier; secondly, having faithfully discharged the affectionate part of the husband and the father, who, satisfied with the consolation of leaving all that is dear to him beyond the reach of penury and dependence, sinks into eternity, with honor and resignation; or the man, who, hastened to the grave, leaves a wretched wife and orphan children to poverty, misery, dependence, and despair?

Conceiving this plan, therefore, to be fraught with advantage, I beg leave to submit it for your consideration. Should it tend to promote the respectability and happiness of any brother officer, add to the

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comfort of the widow, or smooth the path of adversity for the children, my object will be fully attained.

I have the honor to be,

Gentlemen,

Your obedient servant,

D. ROBERTS,

Lieut. Col. 51st regiment.

P L. A N.

THE subscription to be opened to every commissioned officer in the army, militia, or half pay, or holding military situations, a poundage, as under-mentioned, rated on the net pay they receive, will be required

First class —Of regiments stationed always in Great Britain or Ireland, the officers to pay six pence in the pound

Second class —Of cavalry regiments, and all those whose services are extended to Europe, the officers to pay five pence in the pound.

Third class.—Of regiments whose services are unlimited, the officers to pay four pence in the pound

Staff officers to be rated as third class on the net pay they receive.

Wives and children —Officers desirous that the benefit should be extended to their wives and children must pay a poundage of two pence for the former, and three halfpence for the latter

Pensions will be allowed to subscribers, their wives and children, who shall become entitled to it, after the stated ten years for the accumulation of the subscription, under the following conditions, but, from the necessity of establishing a capital sufficiently great as to secure, by its interest, future demands, it will not be possible to give officers, their widows, or children, any pension, who may be rendered deserving objects during the ten years.

Officers at present in the service must pay from the commencement of the subscription; those who neglect so to do for two years will have to pay an entrance of one pound, and also the annual subscription due rated on the pay they then receive, with compound interest on the same. This entrance will be doubled after two years more, and increased in the like manner every two years, till the expiration of the ten, when all officers so situated must pay from their age of sixteen, rated on the pay they are receiving, with compound interest, and an entrance of ten pounds.

Officers entering the service during the ten years must pay from the date of their commissions otherwise, after two years, they will be subject to the same entrances as officers at present in the service, also to that of ten pounds at the expiration of the ten years.

Subscribers who may be detained abroad as prisoners of war will be exonerated from the subscription during the time of their confinement; and that period will be included in the number of years which it is requisite for officers to pay in order to receive benefit, except from wounds, disease, &c.

Officers to pay a rising fee on promotion.

Officers reduced to half pay in the usual manner will pay at half the rate of full pay.

Officers who voluntarily retire to half pay must pay double the proportion of the subscription required from the rank they hold.

Claimants by right, being Subscribers.

An officer disabled by wounds or disease acquired in foreign service, after ten years, claims on forwarding his certificates.

An officer having served eight years in the West Indies or Africa, after he has subscribed twenty years.

An officer having served five years abroad may claim after he has subscribed twenty-five years.

An officer not having served abroad five years cannot claim under thirty years' subscription.

An officer on half pay may claim the full pension after the stated years.

An officer permitted to sell out, having subscribed the regular time, may claim the benefit.

Wives and Widows.

An officer, if married prior to the commencement of the fund, subscribes for his wife from that time, otherwise he will have an entrance to pay of ten shillings after two years, and the subscriptions due from him rated on the pay he then receives, with compound interest: this entrance will be doubled after two years more, and increased in like manner to the end of the ten, after which, officers so situated must pay for their wives from their own age of sixteen.

No officer can subscribe for his wife unless he also pays a subscription for himself.

An officer marrying after thirty-five years of age must pay three pence in the pound; after forty five, six pence; after fifty, nine pence; and after sixty, one shilling; on the pay he then receives, for every year from his own age of sixteen; but from the day of his marriage he will pay the usual rate of two pence: This is to prevent imposition on the fund, from old men marrying in order to provide pensions for their widows.

A pension will be allowed to widows from the death of their husbands; those of equal rank will receive a like pension all officers paying the same rate for their wives and children.

In case an officer's widow re-marries, the pension will be discontinued to her.

Children.

Children, if born prior to the commencement of the fund, to be subscribed for from that period, or included in the annual entrances mentioned in respect to the widows.

If born after the commencement of the fund, to be subscribed for from their birth.

Pensions will be allowed to children, nevertheless, till the age of sixteen.

An officer neglecting to pay or cause to be paid his regular subscriptions forfeits all claim to benefit.

Officers have it in their power to double or triple the subscription, for themselves, their wives, and children, as they may think proper; by this means, the pensions to either will be in proportion to the subscription paid.

A board of general officers will sit monthly, before whom the persons entrusted with the management of the business will lay a statement of the receipts and expenditure, which will be annually printed for the information of subscribers.

Having thus had the honor of explaining my plan, I trust my brother officers will, for their own interest, promote it. The happiness, the comfort, and the respectability, that hundreds will derive from it is evident.

From calculations which I have been enabled to make, with the assistance of many well-informed gentlemen, but particularly from one who has given much attention to the business, it is ascertained that if five-eighths of the officers subscribe, and which number I am warranted in stating to be under-rated, from the very flattering approbation the plan has universally met with, there will be an annual subscription of 32,061*l.* 8*s.* 1*d.*; and from the annual casualties in the army, such as deaths, retirements, &c. &c. there will be an annual increase on the above number of officers, of 1,603*l.* after the first year.

These sums together, as will be seen by the undermentioned table, will, in ten years, with their compound interest, accumulate to 120,940*l.* 10*s.*

J. Philippart, Tth.

Calculations on an annual subscription of 32,061l. 8s. 1d. ¹/₂ laid out at compound interest, and on casualties after the first year, amounting to 1,603l.

Period.	Amount of Prin- cipal.			Interest.		
	£	s.	d.	£	s.	d.
End of 1832	32061	8	1 ¹ / ₂			
1813	67328	17	7 ¹ / ₂	1603	1	4 ¹ / ₂
1814	104359	14	7 ¹ / ₂	3366	8	10 ¹ / ₂
1815	143252	2	6	5217	19	8 ¹ / ₂
1816	184068	12	9	7162	2	1 ¹ / ₂
1817	226936	9	6	9203	8	7 ¹ / ₂
1818	271947	11	1	11346	16	5 ¹ / ₂
1819	319209	9	10 ¹ / ₂	13597	7	8 ¹ / ₂
1820	368834	7	6	15960	9	5 ¹ / ₂
1821	420940	10	0	18441	14	4 ¹ / ₂
				21047	0	6

In these calculations, no account is taken of the increased sum an officer will pay, from brevet rank and staff appointments; neither the subscriptions from garrison officers, commissariat, medical department, officers of militia, fees on promotion, or casualties from deaths of wives or children included. These, with the immense honorary subscriptions, which a plan of such general benefit must receive, and which I have every reason to think, from the liberal manner in which affluent men have already treated it, justify me in expecting that the amount of the fund will be at the least double what I have stated.

The several pensions to be allowed depend on so many casualties which are not the subject of computation, that at present it is impossible to state, with any certainty, what will be their amount.

On this subject I beg to subjoin an extract of a letter to the gentleman I have before mentioned, from William Morgan, Esq. who is justly ranked one of the most able calculators in this kingdom.

“On the most moderate supposition, it appears, that at the end of ten years the fund will have so accumulated as to provide for the annual distribution of 67,000l. among the different claimants, exclusive of the additional accumulation which shall have been formed from the many subscriptions, which can hardly be estimated at less than half that sum, and which will, consequently, increase the whole amount of the

¹ J. Philippart, Esq.

² Since that opinion was given, a deduction has been made on the subscriptions of wives and children, which reduces the amount of the fund from annual subscription to 54,711l. 8s. 7d. ¹/₂, but the fees proposed on promotions, will, alone, be equal to that difference.

distribution to more than 100,000, persons, would it not, therefore, be better to make the plan as general as possible, by limiting the annuities or pensions at present, to no particular sum, and to hold out the large accumulation of the fund as affording the strongest reason to hope, that those who shall need their assistance will be liberally provided for from them?"

I beg to make one remark on the subscriptions: 'they are a most trifling deduction from an officer's pay. A captain of infantry, who subscribes twenty-five years, will, altogether, have paid no more, for himself, than 79l. 15s. 10d.; and from this plan, by so small a contribution, it is proposed, in case he requires it, to add that to his income, when he arrives at old age, which will render his circumstances comfortable. I cannot think there is any man, who, perfectly aware of the benefit of this plan, however situated with respect to rank, age, or fortune, will not cheerfully contribute his support to perfect a scheme so essentially beneficial to the army. Such are the vicissitudes of this life, that no person can say, "Thus I am, and thus I will continue to be!" The wealthiest to-day may be the poorest to-morrow; nor shall any man say, that on some future day he will not congratulate himself in having, during the period of affluence, lent his aid to the formation of a fund, from which he may draw the means of comfort and respect. Even admitting him to continue affluent, will not his heart expand with gratifying sensations when he sees the veteran or disabled officer, the widows and the children of his brother officers, partakers of the benefits resulting from that noble institution he has assisted to establish? for we will not suppose that any officer possessing an ample income will ever claim from the fund, or weaken its power for the purposes of its original institution; and, indeed, no officer possessed of an income equal to eight hundred pounds per annum will be allowed to claim; nor a widow, if her income exceeds two hundred pounds a year, unless she has a very numerous family, when it will be at the option of the Board.'

SUPPLEMENT

TO THE

PLAN FOR AN OFFICERS' BENEFIT FUND.

BY JOHN PHILIPPART, Esq.

SINCE the publication of the Plan for an Officers' Benefit Fund, several individuals have been desirous that a medium should be offered whereby Officers might receive Pensions, in case of being disabled, from the commencement of the Fund, and also their Widows, and Children, if they, the officers, should die within the ten years. Their desires have been fully considered, and it appears that the only method which can be adopted for this object, which is certainly very desirable, without injury to the Fund as laid down in the Plan, is, that Officers should pay a donation at the commencement of the Fund in addition to their subscription, and the interest arising from those donations must be competent to the discharge of all demands, which can be made from those who may become claimants during the ten years.

In regard to the amount of the donation, gentlemen of the highest talent have been consulted, and the lowest which could possibly be received, without injury to the Fund, are subjoined opposite to the different ranks of Officers; also the pensions, which will be allowed to the donors, if they become disabled after the commencement of the Fund, and in the event of their death, to their Widows and Children.

It is to be observed that Officers paying the donations will be subject to the same rules as detailed in the plan, and to forfeiture of all claim, should they fail to pay or cause to be paid their regular subscriptions; and after the expiration of the ten years, they will be on the same footing in every respect, as Officers who have been only subscribers.

The payment of donations is, like the principle of the plan, a voluntary measure, suggested in compliance with the wishes of Officers; and those who may not contribute them, will receive the benefits of the general fund after the ten years, as regulated in the Plan.

The average of donations from subscribers to a military fund at Madras is fifty-six pounds for unmarried Officers, and seventy-five pounds for married. The subscription thereto is equal to one day's pay in each month, from which are derived pensions for widows and children. The subscription to the Fund now suggested, is a trifle in comparison to the above, and benefit is proposed to Officers disabled from wounds, disease, age, and from length of service, also to widows, and children of Officers.

The average of donations, as will be seen by the annexed table, is as follows.

Cavalry.

Donation of Unmar- ried.	Donation of Married.	Donation for each Child.	Pension for Officer.	Pension for Wife.	Pension for Child.
l. s. d. 63 15 5	l. s. d. 178 11 3	l. s. d. 19 2 8	l. s. d. 92 13 5	l. s. d. 53 0 0	l. s. d. 11 0 0

Infantry.

l. s. d.	l. s. d.	l. s. d.	l. s. d.	l. s. d.	l. s. d.
40 11 6	118 7 11	15 4 3	81 17 3	33 8 9	11 3 4

The great difference between the donations from married and unmarried Officers, arises from the numerous widows who will become Claimants annually, whereas the amount of pensions from Officers being disabled cannot be very great.

The following Copy of a Letter from Mr. MORGAN, will show that the donations are fixed at the lowest, and the pensions, at the highest possible rate.

Equitable Assurance Office, 30th November, 1811.

Dear Sir,

I have examined the inclosed table with attention, and comparing it with the observations I made to you when I had the pleasure of conversing with Major ROBERTS and yourself on the subject, I think it may very safely be adopted. I am afraid the donations cannot be well

reduced, nor the pensions increased with safety. It will be best to err by requiring too much, and promising too little, than the contrary.

Although the difference between the married and unmarried officers appears to be very considerable, yet, I am convinced that it is not too great, for as you justly observe, the number of disabled officers is very small, when compared with those who may leave widows on the fund.

With every wish for the success of your plan, and with my best respects to Major ROBERTS,

I remain, Dear Sir,

Yours very faithfully,

J. PHILIPPAR, Esq.

WILLIAM MORGAN.

Donations to be paid by Officers at the commencement of the Benefit Fund, if desirous that they should be entitled to pensions from becoming disabled during the first ten years, or in case of their death within that period, to their Widows and Children. Also a statement of the different pensions which will be allowed.

Cavalry.

RANK.	Donations from unmarried Cavalry Officers.			Donations from married Cavalry Officers.			Donations for each Child.			Pensions for Cavalry Officers.			Pensions for Wives of Cavalry Officers.			Pensions for Children of Cavalry Officers.		
	l.	s.	d.	l.	s.	d.	l.	s.	d.	l.	s.	d.	l.	s.	d.	l.	s.	d.
Colonel	194	15	10	349	8	4	37	8	9	173	9	9	60	0	0	20	0	0
Lt. Colonel	87	9	2	244	17	6	26	4	7	133	9	0	46	0	0	15	0	0
Major	73	3	4	204	16	8	21	19	9	106	15	3	37	10	0	12	10	0
Captain	55	8	4	153	3	4	16	12	6	73	7	11	30	0	0	10	0	0
Lieutenant	34	4	2	95	15	10	10	5	0	40	0	8	22	10		7	10	
Cornet	30	8	4	85	3	4	9	2	6	33	7	2	19	10		6	10	
Paymaster	57	0	0	159	12	6	17	2	1	100	1	9	22	10				
Adjutant	38	0	0	106	8	4	11	8	1	26	13	9	22	10				
Surgeon	43	1	8	120	12	6	12	18	4	100	1	9	22	10				
Vet. Surg.	30	8	4	85	3	4	9	2	6	46	14	2	15	0				

Infantry.

	l. s. d.			l. s. d.			l. s. d.			l. s. d.			l. s. d.			l. s. d.		
	l.	s.	d.	l.	s.	d.	l.	s.	d.	l.	s.	d.	l.	s.	d.	l.	s.	d.
Colonel	68	8	4	183	5	6	25	13	4	160	2	9	60	0	0	20	0	0
Lt. Colonel	51	14	2	155	2	6	19	7	8	113	8	8	45	0	0	16	0	0
Major	48	13	4	136	0	0	18	5	0	100	1	9	37	10	0	12	10	0
Captain	31	18	4	95	15	6	11	19	7	66	14	6	30	0	0	10	0	0
Lieutenant	19	12	5	59	6	3	7	8	4	31	2	9	22	10	0	7	10	0
Ensign	13	19	2	47	17	6	6	0	0	24	9	3	19	10	0	6	10	0
Paymaster	45	19	6	136	17	6	17	1	3	100	9	9	22	10	0	7	10	0
Adjutant	25	17	1	77	11	3	9	13	9	26	13	9	22	10	0	7	10	0
Surgeon	34	9	2	103	7	6	12	18	4	80	1	6	22	10	0	7	10	0
Asst. Surg.	22	16	3	68	8	4	8	11	0	33	7	2	19	10	0	6	10	0

Account
OF THE
REPORT

OF THE
NATIONAL SOCIETY,
For the Education of the Poor;

AT A
MEETING

HELD 2nd JUNE, 1813,

THE FUTURE REPORTS WILL BE PRINTED EXCLUSIVELY
IN THIS WORK.

ACCOUNT, &c.

ON Wednesday last, the Anniversary meeting of the National Society was held in the Hall of Sion College. His Grace the Archbishop of CANTERBURY, whose attention to the business of the Society has been unremitting, took the chair on the occasion. There were present the Archbishop of YORK, the Earl of SHAFTESBURY, NELSON, Lord KENYON, Lord RADSTOCK, the BISHOPS of LONDON, CHICHESTER, CHESTER, EXETER, HEREFORD, ST. DAVID'S, WORCESTER, ELY, SALISBURY, the SPEAKER of the House of Commons, together with a very numerous, and highly respectable list of Subscribers and Friends to the Institution. The annual report of the proceedings of the Society was read by the Secretary, and some remarks were made on the prominent and leading features of it by the Archbishop of Canterbury. The report proved in the highest degree gratifying and satisfactory to the Company assembled. It appeared that the beneficial purposes of the Institution had been carried into effect, in the course of the last year, in various parts of the kingdom, on a very extended scale: the number of Schools formed in connexion with the National Society were five times greater than they were

at the time of the preceding annual report, and, of course, the number of children educated in different parts of the kingdom, on the Madras system, had increased in about the same proportion. Besides this, a number of Schools had been formed precisely on the same plan, in various places, which had not yet established a connexion with the National Society; so that the extension of this important system of education has been considerably greater even than that above stated from the annual report. It appeared also, that, in the metropolis, not only had the Central School, in Baldwin's Garden, been carried on with distinguished energy and effect, but other schools had been instituted, so numerous and on so extended a scale as to constitute, on the whole, no inadequate system of education for the lower classes of this large mass of population. One particular instance of the perfection to which this plan of education has been brought, was mentioned by the Archbishop of Canterbury, and drew the very marked attention of the meeting: this was, that, in the Deanery of Tendring, near Colchester, the number of children reported as proper objects of the Madras system of education, amounted to about 2000; and that, of these, more than 1,700 were now actually receiving this education in the schools formed under the National Society.

On the whole, the report of the advancement of national education, made during the last year, was such as fully to satisfy the highest expectations of the friends and supporters of the system. It showed that the exertions of the National Society for the furtherance of its great and beneficial objects have been and are unremitted: it showed that the spirit, by which those exertions are prompted and supported, has increased, and is still increasing; in the country at large; and it encouraged the gratifying hope, that, by the continuance of those exertions and of that spirit, the great and beneficial

purpose of generally diffusing the blessings of sound religion and sound morality by means of this national system of education, may soon be effected in this kingdom to a very satisfactory extent.

The Treasurer of the Society, at the same time, made a report of the general state of the Society's funds. It appeared that from the very liberal grant which had been made for the establishment of schools in various parts of the kingdom, some diminution of the permanent property of the Society has unavoidably taken place in the course of the present year; but the Committee have readily acquiesced in suffering this to be done, under the fullest feeling of conviction that a judicious and well-directed application of their funds, for the purposes of the Society must, under all circumstances, furnish the most certain means of ensuring the liberality of the public, so as to prevent their permanent diminution.

ANSWER TO THE CHARGE
DELIVERED BY THE
LORD BISHOP OF LINCOLN
TO THE
Clergy of that Diocese,
AT THE
TRIENNIAL VISITATION

IN THE YEAR 1812.

BY THE REV. JOHN CHETWODE EUSTACE.

“ Humanæ juris et naturalis potestatis est unicuique quod putaverit colere ;
nec ali obest, aut prodest alterius religio. Sed nec religionis est cogere religionem,
quæ sponte suscipi debeat, non vi.” **TERTULLIANUS AD SCAP.**

1813.

The CHARGE is published in the Second No.

VOL. II. Pam.

No. III.

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ANSWER TO THE CHARGE.

8c. 8c.

MY LORD,

SEVERAL Protestant friends, who wish well to the political claims of their Catholic fellow subjects, have informed me, that your Lordship's late Charge to the Clergy of the Diocese of Lincoln, has made a deep impression on the minds of many persons, and has even induced them to oppose the same claims to which, before the perusal of that publication, they had been favorable. I have been assured also, that means are taking to disperse that Charge throughout the whole United Kingdom, in order to excite a spirit of general opposition. Your Lordship therefore will not be surprised, if a Catholic Clergyman, who not only thinks that those claims are founded upon justice, but that the determination of the legislature concerning them is intimately connected with the welfare of the British Empire, should attempt to refute a statement which he conceives to be inaccurate in itself, and likely to be very pernicious in its consequences.

Yet I take up the pen with reluctance. The cause which I support is unpopular. The reputation which your Lordship enjoys, and the authority which you possess, are sufficient to give weight and currency to opinions less plausible and less conformable to the bias of the public mind, than those which are the subject of your late Charge. An obscure individual, who ventures to cope with such an adversary, enters the lists with visible disadvantage.

But this is neither the only nor the principal reason of my unwillingness to take an active part in this dispute. I hate controversy. It may originate in a love of truth, and perhaps in a very sincere desire to propagate it: but it calls up many a bad passion in its progress, it too often confounds the person with the opinion, and it not unfrequently terminates in abuse and malignity. Does the history of religious controversy or of political debate afford one single instance of either of the parties having acknowledged his error, and submitted to the better arguments of his antagonist? In fact, victory, not truth, becomes the object of the contest; a powerful argument, or a satisfactory answer, wounds the pride of the opponent, and resentment, not conviction, is the result.

To apply this observation to the question before us, will your Lordship pardon me when I lament that so much of the virulence of controversy should pervade your Charge, and embitter your expressions? Without adverting to the general tone of the composition, I need only, as an instance, point to the words *popery* and *papist* in every page, and I might say, almost in every sentence. Your Lordship is aware, that the latter appellation, if addressed to an individual in the ordinary intercourse of life, would be considered as an insult; it is not less so when applied to the body at large, and in both cases, it will be avoided alike by the Christian and by the gentleman. *Nicknames* are not arguments. They may be applied to the disciples of truth as well as to the votaries of error, and the Christians of the first century were braided with them as well as the Catholics of the nineteenth. Such abusive appellations may be expected from the lips of the rude and illiterate minister of some fanatical conventicle; but we have reason to expect very different language from the clergy of the Church of England, who have the education, and the manners, and the feelings of gentlemen.

We claim the name of *Roman Catholics* as our right; as such we are recognised by act of parliament, and we expect to be so qualified both in public and in private. By the first of these terms we profess that we are, not the tools, nor the dupes, nor the slaves, nor the subjects of the Roman Court, as the word *Papist* is inviously meant to imply; but that we are in communion with the Roman See, and that we reverence the bishop who fills it, as the

'successor of the *chief* of the Apostles,' and in his right, as the first Christian pastor in *honor* and *jurisdiction*.² By the second, we declare ourselves to be members of that great Christian body, which, while it occupies exclusively the finest and the most populous regions of Europe, extends to all parts of the globe, and includes in its immense pale a greater number of republics, of kingdoms, and of empires, than any sect dissenting from it can equal in its list of cities or of provinces. Ignorance or prejudice may have attached disgrace to this appellation, but we deem it an honorable distinction.

Another symptom of this angry spirit, which I have observed with pain in your Lordship's Charge, is the terror which you affect to feel, and which you evidently wish to excite, of the dangers of Popery. Your alarm on this head, I own, surprises me, and might be regarded as the effect of an heated imagination, in a person less advanced in years, and less acquainted with the real state of the country. You know full well, my Lord, the effect of such alarms, and I hope you also recollect the dangers that sometimes accompany them. The extreme facility with which the nation yields to these panic fears, is one of the most extraordinary features of its character, especially when contrasted with the good sense and sound judgment which are supposed to distinguish it upon other occasions. I expect from your Lordship's candor, an acknowledgment that the *danger of the Church* and the *growth of Popery* have often been the bye-words of party, and have been played off frequently with too much success by angry factions against their antagonists. The effects of these outcries have sometimes exceeded expectation, and have even gone beyond the wishes of those who excited them. The disgrace of a favorite, the removal of an obnoxious minister, the humiliation of an unpopular prince, or the mortification of an insolent and dissipated court, were the motives which sometimes prompted statesmen of more ambition than conscience to raise the cry; but has the fermentation ever subsided without exceeding its intended limits? No, my Lord;—the spirit of discord

¹ That St. Peter was chief of the Apostles, see satisfactory proofs in *Elements of Christian Theology*, Vol. I. Part Second, xxv. p. 476.

² *Honor* and *jurisdiction*: these two words include all that a Catholic is obliged to acknowledge in the Pope.

is seldom appeased without some bloody sacrifice, and the benevolent reader, whether Catholic or Protestant, when he peruses the trial and execution of Lord Stafford, a nobleman venerable alike for his age and for his gentle virtues, will drop a tear over the credulity and the sufferings of mankind. But we need not recur to past times for instances of these dreadful excesses. The present reign furnishes us with an example sufficiently alarming. We have seen the lenient spirit of the legislature resisted by a Protestant association, and by a *No-papery mob*; we have seen the jails thrown open, the laws of nations violated, the majesty of parliament insulted, and the capital exposed to plunder and to conflagration; we have seen the Bank of England, the very seat and citadel of public credit, assailed and on the point of being ransacked; in all these outrages, these atrocious acts of violence and rebellion, *the danger of the Church* was the pretext, and *No-papery* was the watch-word.

Let me ask your Lordship whether the same cause may not again produce the same effect? and whether the attempt lately made, and at this very moment renewed with redoubled activity, may not succeed to the full extent, revive ancient animosities, and involve this united kingdom, now the sole asylum of liberty and of independence, in civil war, bloodshed, and ruin? Are the dangers to be apprehended from Popery alone worthy of attention? or does your Lordship see no grounds for apprehension in the manner in which the Catholic question is at present agitated? Yet there are among the Protestant Clergy, as well as laity, several wise and good men, who tremble lest the result of so much animosity should be fatal alike to Protestants and to Catholics, and to their common country and its constitution.

It may here perhaps be asked, whether the pastors of the Established Church have not a right, and are not in duty bound to enforce its doctrines, and guard their flocks against error and delusion. With the right or duty, in itself, I presume not to interfere. But in the exercise of this right or duty, I claim from you, my Lord, and from your brethren, and from all pastors, teachers, and disputants, whether Catholic or Protestant, in the name of that Gospel in which we all believe, and by that charity which we all acknowledge to be our first bounden duty, candor in the statement

of your adversary's tenets, temper in the discussion of his arguments, and compassion for his errors. •

I will now proceed to the examination of some of your Lordship's positions, having premised that in many, as it appears to me, truth and error are so interwoven as to render the task of separation extremely *difficult*; and that the various disputable points and groundless assertions in your Lordship's Charge are so scattered over its different parts, as to render any attempt to methodize them still more laborious.

In the first place, my Lord, you assert in your preface, that Catholics now demand, not *toleration*, but *political power*. There is, in this assertion, contrary without doubt to your Lordship's intentions, something equivocal, as it seems to imply that the Catholics are endeavouring to obtain as a *body* a degree of power and of preponderance dangerous to the Constitution. In this sense your assertion is totally unfounded. The Catholics disclaim every wish and intention of acquiring power or influence of any kind; they ask for no distinction; as a *body* they are only ambitious of being confounded with the rest of his Majesty's subjects, without any mark of privilege, or of penalty. They only entreat you not to withhold from them *personally*, that influence and those honors, which Protestants of the same rank and condition either enjoy by their birth, or may attain by their exertions. To represent this claim upon your justice and your generosity as a demand of *political power*, is surely unfair and invidious, and as such I denounce it to the reader, or rather to your Lordship's candor.

In the same preface you cite a passage from one of your former Charges, in which you "contend that the Roman Catholics are already in complete possession of religious toleration." (page 347.) You define toleration elsewhere, page 352—"Toleration is a permission, under the authority of law, to every individual to profess the religious opinions which he conceives most consonant to scripture, and to worship God in the manner most agreeable to the dictates of his conscience. Internal faith and external worship comprehend the whole, as far as this subject is concerned, of religious service, and whoever enjoys unrestrained freedom in these two respects, enjoys perfect religious toleration."

I must differ from your Lordship in the definition, and conse-

quently in the position grounded upon it; in the former, I would insert, after the word *respects*, this clause, *without incurring penalty or privation of any kind*. As long as the profession of any particular opinion is *punished* by any loss, forfeiture, or disability, they who hold that opinion cannot surely be said to be in possession of *perfect toleration*. Your Lordship is aware that privations act as fines, and that whether you compel a dissenter to pay a certain sum for the permission of exercising his worship, or exclude him from lucrative offices in consequence of exercising that worship, the result with respect to his fortune is the same. That only is perfect to which nothing can be added, and as long as one single penal law stands unrepealed, so long toleration remains imperfect.

This unbounded liberty of worship, you will perhaps say, goes beyond what is generally called *toleration*; perhaps it may: but in that case it may be argued, that there should be no question of toleration in the present circumstance. Toleration is applicable to cases where the number of Dissidents are few, and of little importance, and of course, where a permission to exercise their particular worship without molestation, may be deemed an indulgence. But in a country like this United Kingdom, where the number of Dissidents is so great, and where, besides the three great societies that form the population of its three constituent parts, viz. the Church of England, the Kirk of Scotland, and the Catholics of Ireland, new sects are daily arising; a much greater latitude, or rather an entire liberty of worship, is, I believe, essential to public tranquillity. So many sects, and such a division of opinion, your Lordship may consider as an evil that cries aloud for redress. That it may be an evil, I may perhaps agree with your Lordship; but it is an evil which arises from the bold and independent character of the nation, a character formed and strengthened by all its institutions both civil and religious; and an evil arising from such a cause is not to be put down by penalties, privations, or coercive measures of any kind; but by gentleness, by persuasion, and by the diffusion of knowledge and of the means of solid instruction.

I cannot drop the subject of toleration without noticing an expression that occurs in another part of your Charge (p. 356), where you appeal "to the sufferings of Protestants in every country of Europe where Popery has been predominant." If your Lordship

refers to former times, many cruelties have, I fear, been inflicted, and much blood spilt on both sides; but your Lordship's reading has, I fear, upon this, as it has visibly upon some other controversial topics, been confined to writers of your own party.* You have probably perused Fox's *Martyrs* with great edification, and your heart has bled at the recital of the butchery of Protestants in Holland under the Duke of Alva. But you have never even heard of the execution of numberless Catholic priests and laymen under Elizabeth and James, and still less do you even suspect that thousands of Catholics were put to death under circumstances of unparalleled cruelty in the very country which I have just mentioned, about the same period.

Whoever believes in the Gospel acts against his faith if he violate even the hair of his neighbour's head in religious debate; and the cruel excesses which I have alluded to were common to both parties, not because they were Catholics or Protestants, but because they were semi-barbarians; and they are to be imputed not to the benevolent religion which they both professed, for Christianity is essentially benevolent under all its forms, but to the spirit of the times, and often to the passions of the leaders. So far, however, are they from being arguments for persecution, or even plausible pretexts for the continuation of a system of privation and exclusion, that they are to my mind demonstrations written in blood, of its folly, of its inefficacy, and of its danger. By such a system Spain lost Holland, and Denmark forfeited Sweden. Be wise in time, my Lord;—suppress the whole penal code, and replace it by the benevolent maxim of a venerable ancient—*Bonos imitare, malos tolera, OMNE'S AMA.*†

If your Lordship's words, which I have cited above, refer to modern times, I am at a loss to guess the countries alluded to, as I conceive the practice of toleration to have been more general for many years past in Catholic than in Protestant countries. In many of the latter, the Catholic Religion was not even tolerated so late as ten years ago, and in Hamburg, and in most of the imperial free cities, and Hanseatic towns, its exercise was confined to the chapel of the Imperial Minister. In Saxony, it was limited to the

* Aug. De Catech. Rudibus.

precincts of the electoral palaces, and those who professed it were not allowed to become masters in any trade or profession.

Now, as to Catholic countries, we have seen a Protestant minister, Monsieur Neckar, at the head of the government in France, and the Prince of Saxe Cobourg, a Protestant, commander in chief of the Austrian armies. I need not remind your Lordship of the Marshals Saxe and Laudon, or inform you that under the old French monarchy, and over all the Austrian empire, and indeed throughout all Catholic Germany and Poland, in military promotion, the talents and the valor, not the religion of the soldier, were the objects of consideration; nor was a gallant man, who had braved danger or shed his blood for his country, ever deprived of his well-earned rewards because he did not profess the national religion. In truth, my Lord, we are far behind the nations of the continent in this respect, and are loudly called upon by the exigencies of the times, to imitate their example; and to turn, without distinction, all the means, all the talents, and all the resources of the state to its defence and to its advantage.

In the same prefatory extract, your Lordship assures your Clergy, that the *Roman Catholic Faith* (you will excuse me if out of respect both to your Lordship and to myself, I omit the nick-name) is not only a *system of religion*, but a *system of politics*. You must not be surprised, my Lord, when I acknowledge that this assertion is to me a perfect novelty, and that I am at an utter loss to guess either its object or its meaning.

The Catholic Religion has, I am aware, been represented in very different and very opposite lights, sometimes as favorable to republicanism, and sometimes as attached to arbitrary power. Your Lordship has been pleased to couple it with the latter, (p. 355.) We, my Lord, consider our religion like the gospel on which we deem it to be founded, as adapted to all governments, but partial to those only which are established upon the basis of freedom and of justice. This opinion is confirmed by the evidence of history; I need not allude to the many powerful monarchies that profess the Catholic faith, as your Lordship has endeavoured to impress your readers with the belief, that it is peculiarly friendly to that form of government.

But in order to show how unjustly the Catholic Religion is

accused of being partial to despotism, permit me to remind you of the numerous republics that grew up and flourished for so many ages under her influence. Recollect, my Lord, the commonwealths lately spread over the coasts of Italy, and of Dalmatia, rivalling the Grecian republics to which they have been so often compared, in freedom and prosperity, and far exceeding them in stability and duration. Look at the cantons of Switzerland, free and happy, long before the reformation sowed the seeds of dissension among them; and since that event, observe the four Protestant cantons yielding gradually to the influence of a foreign faction, and at length surrendering their liberties without a blow. Contrast with this cowardly conduct the spirit and courage of the seven Catholic cantons, defending to the last, every mountain and every defile, and compelling the French tyrant to content himself at last with a nominal superiority. Permit me, in fine, to recal to your Lordship's recollection that the Catholic religion presided over the very birth of the English nation, and tutored its infancy; that those undaunted patriots, who wrested the charter of our rights from the grasp of a tyrant, and laid the basis of our matchless constitution, were Catholics. If that constitution has resisted the storms of so many centuries, and withstood the efforts of so many successive tyrants; if it has triumphed alike over the rapacity of prerogative, and the fury of rebellion, and at length acquired the perfection which we now admire, to what does it owe its stability? to the solidity of its first foundations, laid by the wisdom of our Catholic ancestors.

To this observation I will add another, which your Lordship will probably hear with astonishment, but which I am prepared to maintain, that the fundamental principle of our religion is the freest that can be imagined, because it makes, not the opinion or the decision of an individual, whether pope or bishop, or even of a national church, but the positive well-ascertained belief of the whole Catholic body, the *Rule of Faith*. To this *university of doctrine*, to this *public testimony*, and to it only, all Catholics of whatever rank or dignity, or attainments, the Pope himself not excepted, are obliged unconditionally to submit. Thus in the Catholic church, public testimony, as in a free government, public opinion, speaking through its organ the legislature, is the sole and paramount authority.

Upon one occasion the Catholics of these realms, it is true, were engaged partly by sentiments of gratitude, and still more perhaps by motives of loyalty and allegiance, to support the cause of arbitrary power in the person of James II.; but the established church was involved in the same guilt, and at the revolution atoned by the ejection of many of its most distinguished and virtuous members, for its ill-timed attachment to the exploded principle of the *right divine* of monarchs. I have spoken more at large upon this subject of *Catholic politics*, and upon our pretended attachment to *arbitrary power*, than I at first intended, because I know how unpopular the imputation is in a free country, and how well it is calculated to degrade and to vilify our religion in the public opinion.

You assert that *Protestantism is an essential part of the British constitution*: a position, in my opinion, absolutely untenable in politics. I believe, with all the wise legislators of old, that religion is essential to the well-being of a state; and I readily admit that Christianity is, *in all its forms*, admirably calculated to promote that object; but it cannot from hence be inferred that any one particular form is *essential* to the British constitution. It will, however, answer your object equally well if it be admitted, that the Protestant religion, as by law established, is so intimately interwoven with the civil institutions of the country, and with the manners and habits of the people, that any attempt to destroy the one must necessarily convulse and agitate the others.

This reflection conducts me naturally to the main object of your Lordship's Charge, the danger to which the established Church may be exposed by the concession of the Catholic claims. Permit me to introduce this topic by a very simple observation. A church establishment is supported either by the power of government acting in opposition to the wishes and opinions of the majority of the nation; or by the nation in opposition to the opinions of the government; or by the cordial co-operation of both the nation and the government. The Episcopal Church of Scotland was formerly, and the Protestant establishment of Ireland is at present, in the first predicament. Both common sense and experience conspire to teach us that the existence of such an establishment must be at all times precarious, and that while it does exist,

it must give occasion to endless heart-burnings and discontent. For what more glaring absurdity is it possible for the mind of man to conceive, than that of a clergy without laity, pastors without flocks, teachers without hearers, and churches without congregations?

I know not whether the second case can with strict propriety be said to exist in Saxony, for though the reigning family has long been Catholic, and the establishment Lutheran, yet such has always been the discretion of the sovereign, and such the confidence of the subject, that no obnoxious change has ever been attempted on one side, and no suspicion ever entertained on the other. The Elector of Saxony is a *devout* Catholic, and he is surrounded by Catholic ministers; a fact which demonstrates more forcibly than any speculative argument, in opposition to your Lordship's reasoning, that Catholics may be *invested with power, and yet not be solicitous to overthrow an establishment which they believe to be heretical*.

In the third class stands the Church of England, founded upon the early prejudices, the habits, the feelings, and the affections of the majority of the English nation, supported by a splendid establishment, and upheld by a numerous body of clergy, connected by birth, education, services, or interest, with all the property and all the power of the country. When to these advantages we add the authority of the sovereign, exerted both in public, and what is still more effective, in private, we have enumerated all the means of security, all the pledges of duration which even caution can require or zeal itself can devise.

Now, my Lord, allow me to observe, that one only danger can possibly threaten such an establishment; and that is, a change in public opinion. Without such a change, no human power can ever shake the Church; and should such a change take place, the utmost efforts of human power would be exerted in vain in its support. England, it is true, has more than once resigned and resumed her religion at the command of her sovereign; but those golden days of despotism are now over; kings reign not now by *divine* but by *human right*; they must respect the conditions on which they ascend the throne, and follow, not lead, the public opinion of their country. Monarchs have probably profited by the example

of James II. and seem now little disposed to tamper, either with the religion, or, directly at least, with the constitution of their kingdoms: But should the Sovereign ever forget his interests so far as to oppose public opinion upon this point, he would infallibly fall a victim to his own temerity. Your Lordship, however, and every man of observation, is aware, that if any British Monarch should ever hereafter conceive a secret design of undermining the Church, he will find, without applying to his Catholic subjects, a sufficient number of Protestant Counsellors to aid and further his projects. Courts have at all times abounded in flatterers; and be the monarch's plans ever so absurd, or ever so mischievous, he will easily discover, if not among his ministers, at least among his friends, some faithful obsequious servant to carry them, into execution.

But, I must again repeat it, the Church of England depends not upon the will of the sovereign; it rests upon public opinion and public affection, and until that base fails, the Church must stand immoveable. The question therefore is, whether the concession of the Catholic Claims is likely to diminish this attachment of the nation. Your Lordship imagines, that this consequence must inevitably follow; you already see the legislature composed of Catholics, the throne surrounded by Catholics, and the royal ear poisoned by Catholic insinuation. The light of history will banish these troublesome phantoms, and convince your Lordship that the Catholics, if they had the inclination, neither have nor are likely to have, the power of overturning the Established Church.

The Catholic party was numerous and powerful during the whole reign of Queen Elizabeth; they sat in both houses of parliament, and composed a considerable portion of the court itself. The Queen placed the utmost confidence in several of them, and employed them in the most important services both at home and abroad. Yet, notwithstanding their numbers and influence both

¹ On her accession to the throne, she retained thirteen of her father's counsellors, and balanced them by no more than eight of her own religion. On those, as well as on all others, which she afterwards admitted into the ministry," says Camden, "she bestowed her favors with so much caution, and so little distinction, as to prevent either party from gaining the ascendant over her."—*Bolingbroke's Remarks on the History of England, Letter xiv.*

in parliament and at court, many severe laws were enacted against the exercise of their religion, and the established church continued to extend its power, and daily acquired a more decided superiority. James I. was rather partial than adverse to the Catholics; he elevated some of their most distinguished commoners to the peerage, and never either conceived or encouraged any idea of excluding them from the legislature. In the turbulent reign of Charles I. they still continued to enjoy the same honors, and at the same time to witness the increasing spirit of persecution. During the rebellion they shared in common with the members of the Establishment all the dangers of war and all the penalties of loyalty, and at the Restoration recovered in common with them their parliamentary rights. They were excluded in the eighteenth year of Charles II., not, as your Lordship affects to believe, "in consequence of perils and evils actually experienced," (p. 352), but as a previous step to the exclusion of the Duke of York, and perhaps with a personal view to some of the King's favorites.

James II. made a bold attempt to restore, I will not say, the superiority of the ancient religion, but the liberty of its exercise. If his two declarations in favor of toleration contain the arguments now urged in support of the same cause, I lament with your Lordship that you had not time to read them to your Clergy. If the reasons be as solid as your Lordship represents them, they could not fail to make a favorable impression upon the minds of such a liberal and enlightened audience. James's arguments may have been good; and statesmen censure, not his opinions, or even his religion, because with prudence he might have retained both, and continued to occupy the throne of these kingdoms till his death; they condemn his rash conduct, his hasty measures, and his determination to enforce by his own fiat that which required the assent and the concurrence of parliament.* Here the despot broke out, and every man who has a single spark of liberty alive in his bosom will rejoice that here he failed: his success would have

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* It must be acknowledged in justice to this unfortunate prince, that he only assumed a right which many of his predecessors had exercised before him, and at the same time that he was the dupe and the tool of a most profligate ministry.

annihilated the Constitution of England, and placed this great and flourishing nation upon a level with the victims of continental despotism.

We now come to the Revolution, when your Lordship insinuates that, "the principles of Church Establishment and of Toleration were for the first time understood." That the Church Establishment was most effectually secured by that event and its consequences is undeniable, but how toleration was promoted by it, I am yet to learn. King William is said to have been personally tolerant, and inclined not only to conciliate the Presbyterians, whose religious opinions were in fact his own, but even Catholics; had not the party, which had raised him to the throne, and which, as is well known, kept him in subjection during the greater part of his reign, obliged him to adopt a line of conduct very opposite to his own more liberal principles. Every standing law, therefore, against the Catholics was enforced, some new penal statutes were enacted, and that oppressed body treated with so much rigor, that a Catholic had frequent reason to blush for the injustice of his countrymen, and to regret that he was born a Briton. The consequence of this persecuting system was, that the Catholics were banished from public life, and the Howards, the Talbots, the Cliffords, the Arundels, the Petes, &c. though the purest blood of England flowed in their veins, and their names stand emblazoned in the annals of their country, were obliged to slink away from society like traitors and outlaws, and shelter themselves in their castles from public odium and private insolence.

From this state of abjection and slavery they were raised by the paternal hand of his present Majesty. To his auspicious reign, when, (as your Lordship has said with very little reason of the era of the Revolution,) "the principles of Toleration began to be understood," we owe the dawn of a happier period, and though in the decline of life, and in a season of gloom and distemper the royal mind may have been poisoned by artful and suspicious insinuations, yet the Catholics will ever cherish the name of George III. and hand it down embalmed with their grateful acknowledgments to their latest posterity.

Now to apply these observations to the argument before us, is it probable, is it possible, that the Catholics now reduced to a

small, I might almost say, an insignificant number, should acquire an influence which they could neither preserve when so numerous and so powerful, nor recover even when aided by parliamentary interest and by court favor? What! shall six or eight, peers, and twice as many commoners, accomplish under the Brunswick line, a change, which half the peerage, and almost half the commons could not accomplish under Queen Elizabeth and the Stuarts? Is the nation so partial to our tenets? or have we invented some new arguments to render them more palatable? do our numbers increase so rapidly as to menace an approaching change in the national faith? Point out, my Lord, if you please, the converts lately made, the congregations newly established in your extensive diocese, and the increasing influence of the Catholic Clergy. In return I will present a catalogue, much more gratifying to your Lordship's feelings, of Catholic families extinct or fallen off, of reduced congregations, and chapels without clergymen. Within these last forty years, notwithstanding the repeal of several penal statutes against us, we have lost five or six noble families, at least as many baronets, and several clergymen and esquires. In return we have recovered an ancient title (Fauconberg), converted two or three Protestant clergymen, but, I fear, few or no gentlemen. You see, my Lord, the exchange is against us, notwithstanding the encouragement which the legislature has so *imprudently*, without doubt, held out to us, in allowing us to profess and practise our religion without the chance of being beggared, transported, or hanged. Further indulgences might perhaps produce similar effects; and prosperity, for such, as your Lordship knows from the history of Christianity, have often been its effects, might relax that stern fortitude which has triumphed over two centuries of coercion and of oppression. •

There is, in my opinion, something singularly unaccountable, something that almost resembles insatiation, in the terrors occasioned by that visionary phantom called *Popery*. I doubt,—your Lordship will perhaps peruse these lines with astonishment, but still I doubt—whether the Church of England ever was exposed to any real danger by the plots or the efforts of the Catholic party, from the reign of Elizabeth down to the present period. I have too good an opinion of your Lordship's sagacity to imagine even for a

moment, that you believe in that stale trick called the *Gunpowder Plot*, or that you ascribe to the Catholic body, then nearly half the nation, the delirious projects of a few frantic enthusiasts set on work by an insidious minister to effect his own designs. I acquit you with equal readiness of the folly of crediting the infamous perjuries of Oates and of Bedloe. The two Scotch rebellions were the deeds of a powerful Protestant party arrayed in support of a royal exile, whom, though a catholic, they deemed their lawful sovereign. They were not enlightened patriots, I admit; but they were generous and loyal subjects, who fought and died for a cause which they held *sacred*; and I strongly suspect that most sovereigns, those of the Brunswick line not excepted, would prefer *their* blind attachment to *our* legal allegiance. The only great attempts ever made in favor of the Catholic Religion were those of Philip II. in the equipment of the *Armada*, and of James II., and in neither was the danger as great as the alarm.

The former failed in Holland, one of his own provinces, where his supporters were numerous, and his power might have been deemed irresistible. How could he have succeeded in England, an independent and high-spirited nation, where every individual, both Catholic and Protestant, was in arms against him, and resolved to perish rather than submit to his yoke. James's anti-protestant project was of a more serious nature, because he was the sovereign of the country; yet, had he succeeded to the utmost of his expectations, he might indeed have imposed on the nation a Catholic establishment, but sickly and unstable, liable to be overturned even during his own life by a popular insurrection, and doomed to certain destruction immediately after his death.

But let us suppose for a moment, that our Catholic Clergy, now reduced to a very small number, should all of a sudden multiply, become active, and even popular, and add daily to the number of their proselytes; let us endeavour to discover for what length of time the Church of England might still resist their successful endeavours. I will suppose that the number of inhabitants in the United Kingdom may amount to fourteen millions, of which four millions may perhaps be Catholics; there remains a majority of ten millions in favor of Protestantism. Now, allow us to make ten thousand converts per annum, a very liberal allowance indeed!

three long centuries must elapse before we can meet you upon fair terms and with equal numbers; and six before we can gain that superiority of numbers over you which you now possess over us.

Now, my Lord, in order to suppose the possible occurrence of the case which I have put, which, in the marvellous, surpasses any miracle related in legendary lore, you must have a very indifferent opinion either of the Clergy of the Established Church, or of the arguments by which its doctrines are enforced, or possibly of the good sense of the people of "this highly-favored kingdom," who seem so very partial in your Lordship's apprehension "to those errors that sprung up when gross darkness covered the nation." (page 365.) Yet to me the Clergy appear tolerably active in their opposition to Catholic opinions; as not very many sermons are to be found, if we may judge by printed volumes, and by sermons preached on stated days and before corporate bodies, in which the audience are not edited by some abusive allusion to Popery, or by a direct attack upon one or other of its supposed tenets. The arguments by which the Protestant cause is supported may have lost much of their novelty, but nothing surely of their weight, by the currency of nearly three centuries; and popular prejudice most undoubtedly runs as strong now against the Catholic Creed as at any period on record.

After this statement, which, if I be not mistaken, your Lordship will find it difficult to disprove, allow me to ask, whether, in order to guard against a danger so distant, so visionary, so very improbable, so nearly impossible, it be wise to alienate the affections of one-fourth of your population, to keep the empire in a state of fermentation, to expose it to the dangers of a rebellion, that may rage, not its distant provinces and dependencies, but the very seat and centre of its power, the nursery of its fleets and armies, where every gallant man that falls will be a loss to England and a profit and a triumph to its enemies.

That the Church has been in danger, and may be in danger again, must be acknowledged; but from what quarter has that danger proceeded? from the Catholics? No, my Lord, but from fanatics, puritans, enthusiasts. *They* overturned the Church at the period when the great rebellion put power into their hands; they set aside its government, and trampled upon all its decent institu-

tions. Their weight, but not their hatred, was diminished by the Restoration; and some persons have surmised that their numbers and influence have increased very considerably during these late years. If the Church of England should fall, it will fall by their hands; and its honors and emoluments will be the reward of the victors. In this event, therefore, the Catholics can have no interest, and consequently they cannot be supposed to wish for its accomplishment; or to speak more correctly, they must deprecate it most cordially, as it would lodge in the hands of a more hostile sect the power which the Church of England now possesses, and which, in justice to its members, I most willingly acknowledge, it uses, in general, with great moderation. I may therefore be allowed to conclude, from the facts which have been stated, that the Established Church has nothing to fear from the Catholics, even if admitted into parliament, for the two following very substantial reasons; because, in the first place, they would not have the power, even if they had the inclination, to hurt her; and because, in the second place, if they had the power, they cannot, unless they are blind to their own interests, have the inclination.

I will go farther, and declare that, in my opinion, the entire repeal of every penal and excluding statute will tend more effectually to the strength and duration of the Church Establishment than any measure that can be devised for that purpose by its warmest partisan. No animal will bear a yoke that galls, he will kick and toss his head till he shakes it off, or he will turn against the hand that imposes it. Englishmen and Irishmen form, I presume, no exception to this general rule. If Catholics can be supposed to hate the Church of England, their hatred is founded, not upon its creed, nor upon its discipline, nor upon its splendid establishment: in all of which particulars it borders much nearer upon the Catholic Church than any sect that has ever separated from it; but upon the penalties and the privations to which they are subjected for their non-conformity. The latter part of this observation is applicable to all Dissenters. Remove, therefore, the penalties and privations; and the hatred and animosity, which are their effects only, must cease; and thus, instead of weakening, you will give additional strength to the Establishment: you will prevent her name from being made the watch-word of a party, and the

source, as has hitherto been too often the case, of complaint, and dissension. Thus you will give her not only a fresh claim to the veneration of her adherents, but even a title to national gratitude; and thus, in fine, while her just pre-eminence is oppressive to none, her moderation will render her respectable in the eyes of all parties.

Having now secured the interests of the Establishment, and endeavoured to remove your Lordship's apprehensions on that head, give me leave to turn to other objects introduced into your Charge, without doubt, for very good and benevolent purposes; I mean the little hints and imputations thrown out against the Catholics, their conduct, and their tenets. And here I must pause one moment, to express the deep regret with which I see talents, influence, and authority, all employed to circulate the tales of malevolence and the misrepresentations of party; to revive sentiments of mistrust and animosity, which the benevolence and good sense of the nation have nearly allayed; and to present the Catholic to his Protestant countrymen as a traitor and a rebel to the King and the Constitution. If such be the spirit of the Established Church, and such the mode of defence adopted by her first ministers, the candid observer will not be surprised at the increase of Dissenters, or at the supposed obstinacy of Catholics. And little surely will the numberless liberal and generous minds, whether among the clergy or laity, who profess her doctrines, think themselves obliged to any writer who shall recur to such arts for the support of her interests.

"Catholics," you say, "hold opinions incompatible with the safety of our constitution both in church and state." What these opinions are, you state elsewhere. "The King," you say, "is head of our Church, and the Bishop of Rome has no jurisdiction within these realms. On the contrary, Papists assert that the Pope is supreme head of the whole Christian Church, and that allegiance is due to him from every individual member in all spiritual matters." I am willing, my Lord, to give you full credit for the accuracy of your statements when the doctrines of your own Church are in question: and I claim a reciprocal admission of my statements when Catholic tenets are to be explained. Your Lordship will, I apprehend, accept this condition with some reluctance, as our

adversaries in general, define our articles for us, and contend that the articles thus imposed upon us, and not our own creeds, or catechisms, contain our real doctrine; a process in controversy extremely convenient to one party, though not so equitable to the other. Your Lordship, not only in the charge now before me, but in some former works, has adopted this mode of attack, and exercised your polemic powers very ingeniously in the *σκιομαχία*, or fighting with shadows. Give me leave to present you on this occasion with a more substantial object. The General Council of Florence defines as follows:—

“Item, definimus Sanctam Apostolicam Sedem et Romanum Pontificem in universum orbem tenere primatum, et ipsum Pontificem Romanum Successorem esse beati Petri, Principis Apostolorum, et verum Christi Vicarium, totiusque Ecclesie Caput, et omnium Christianorum Patrem et Doctorem existere; et ipsi in beato Petro pascendi, regendi, ac gubernandi universalem ecclesiam a Domino nostro Jesu Christo plenam potestatem traditam esse, quemadmodum etiam in gestis Œcumenicorum conciliorum et in sacris canonibus continetur. Renovantes insuper ordinem traditum in canonibus cæterorum venerabilium Patriarcharum; ut Patriarcha Constantinopolitanus secundus sit post sanctissimum Romanum Pontificem, tertius vero Alexandrinus, quartus autem Antiochenus, et quintus Hierosolymitanus; salvo videlicet privilegiis omnibus et juribus eorum.”

Your Lordship will perceive, that the words *supreme* and *allegiance* do not occur in this decree. In truth, our Lord Jesus Christ is supreme head of the Catholic Church; the Pope we consider as his vicar or representative; as such we owe him *obedience* in spirituals, but not *allegiance*. The latter word slipped from your pen, inadvertently without doubt, and was not meant to convey an idea that we pay to the Pope that which we withhold from the King. We acknowledge, therefore, in the former an authority merely spiritual, such as Christ gave to his Apostles, for the preservation of unity and of co-operation in all parts of the Christian body. This doctrine you assert to be a sufficient ground of exclusion from all places of trust. Why so, my Lord? We acknowledge in the sovereign all the power over our persons, our properties, and all our temporal concerns, which

the laws of the land give him; we swear *allegiance* to him exclusively, and we are willing to defend his constitutional prerogative at the expense of our fortunes and our lives. We withhold from the king that only, which the Church of England has never ventured openly and boldly to entrust to him, *spiritual* authority. How this spiritual authority can possibly clash with temporal concerns or civil duties, I do not, well comprehend. *Casyistry*, I believe, has been employed more frequently, and, I fear, with more success, to embroil than to separate our civil and religious interests; if they should come into contact, the rule of the Gospel is obvious, "Give unto Cæsar the things which are Cæsar's, and unto God the things which are God's."

Your Lordship will moreover observe, that such collisions may take place in any country, where the legislature may make provisions incompatible with any Gospel ordinance. You will also bear in mind, that they originate not with the Pope, and may exist totally independent of his authority. In matrimonial contracts, for instance, no power upon earth, according to the doctrine of the Catholic Church, can annul a marriage originally valid, or permit the parties to contract other engagements. When, in such cases, Catholics recur to the Roman See, it is in order to have the best and safest theological decision as to the validity of the first contract. Such cases, in the Greek church, are referred to the Patriarch, and might, if the present discipline of the church permitted it, be decided with equal propriety by the Archbishop or the Bishop of the Diocese. • But howsoever, or by whomsoever, such cases are decided, the result is, that while the parties concerned are governed by their conscience in private, their property, names, and temporal interests are regulated by the law of the land. I must repeat, that the occurrence of such cases depends not upon the existence of the Papal power, and that the welfare of the state is very little concerned in the place or manner in which they are decided, whether abroad or at home, by the Pope, or by the Archbishop of Canterbury.

Your Lordship blames the Irish Catholic Bishops with some asperity, for having rejected the proposed measure of allowing the King a negative on the appointment of Catholic Bishops in Ireland: but you assign as a reason that which, I believe, they did not give: viz. that "it was incompatible with the rights of their

Sovereign Pontiff." They never, I repeat it, gave this reason, and if they had given it, they would not have *expressed*, it in these terms. "Their Sovereign Pontiff," on this occasion, like the word *allegiance* elsewhere, escaped from your Lordship, undoubtedly without object or design, and is intended as a term synonymous with Pope, only a little more euphonic. The expression, 'Sovereign Pontiff,' is an historical, not a theological, phrase. It implies, not that the Pope is the *sovereign* of bishops, but that he is a Sovereign and a Bishop. Now, my Lord, allow me to substitute the reason which the Irish Bishops *really* gave, in the place of that which you have been pleased to give for them.

Resolved, "That it is the decided opinion of the Roman Catholic Prelates of Ireland here assembled, that it is inexpedient to introduce any alteration in the canonical mode hitherto observed in the nomination of Irish Roman Catholic Bishops, which mode, by long experience, has proved to be unexceptionable, wise, and salutary." "That is to say, inexpedient in *existing circumstances*. *Existing circumstances* have been of great service to many illustrious statesmen, as your Lordship well knows, and may possibly be more than once adverted to in the approaching debate." Allow these worthy prelates, for once, to profit of existing circumstances, and to turn to a momentary advantage the influence of these very powerful agents so frequently employed against them. What the peculiar circumstances, alluded to, were, is immaterial, nor shall I hazard a conjecture, as I have no grounds to go on: though it may perhaps be surmised that the Catholic Bishops of Ireland might possibly be unwilling to trust their religious interests, or any influence in those interests, in the hands of an administration, which had been formed upon principles professedly hostile to their religion. If such were their feeling, it surely may claim indulgence, and can at least excite no surprise. If a spirit of conciliation should ever succeed to the animosity of the present period, (and for the honor, and

¹ General meeting on the 14th of September, 1808.

² Since I wrote the sentence above, an extract of a letter from Dr. O'Reilly, Roman Catholic Archbishop of Armagh, has been communicated to me, where the danger apprehended from the *fact* is represented as being of a temporary nature, resulting from existing circumstances.—See Historical Account of the Laws against the Roman Catholics of England printed by Luke Hansard and Sons, 1811

the interest of the country, I most devoutly wish that it ere long may,) you will probably find the Irish H^{is} relates willing to make every concession which their duty will permit, and His Majesty's Ministers can require. The Catholics of Ireland, that is, the Irish nation, have been disappointed and insulted; we are not therefore to wonder, if they should betray some symptoms of ill-humor and irritation.

Though you acknowledge, that in your opinion, the "Veto would not be an effectual preservative" from the dangers you apprehend from the concession of the Catholic claims, yet you enlarge with some acrimony on its refusal. "Catholic Bishops," you say, "have great influence over their clergy," and the clergy, again over their congregations; is this an evil, my Lord? or is it an evil only in the case of Catholic Bishops? But "this influence," you assure your clergy, "must flow from a foreign source, through channels over which the civil and ecclesiastical Head of these kingdoms is to have no control," &c. "Can it be safe," you continue, "to place men in authority under the King, who are thus attached to a foreign power, and that foreign power at this moment under absolute subjection to the most inveterate enemy of this country? It would be an instance of the grossest kind of that acknowledged absurdity, imperium in imperio. It would be to give the Pope a complete command over the minds and consciences of men, who would owe an unreserved and undivided allegiance to another master."

Truth, without doubt, is your Lordship's object, and charity and benevolence the predominant feelings of your heart; yet by some fatality or other, your representations of the doctrine and conduct of Catholics are always exaggerated, equivocal, and invidious. The influence which the Catholic Pastors have over their flock, is founded in the first place upon the Gospel, and on that grand commission, which Christ gave to his Apostles, "Go and teach all nations;" and in the second place, on the exemplary and disinterested discharge of the laborious duties of their station. "Their ordination," it is true, comes originally from Rome, the apostolic source whence all the western churches have derived their spiritual power, and to which the Church of England, according to your assertion in another work,* is indebted for the same blessing.

* Elements of Christian Theology, Part III.-Art. XXIII.

The mission of the Bishops emanates directly from the Roman See, and is communicated to the person chosen through the medium of the Archbishops in Ireland, and of the Vicary apostolical in England, all of whom are persons over which the government of the country has as much control as over any other subjects. Bishops, thus constituted, neither act, under the immediate influence of the Pope, nor are they "attached to a foreign power." They are in communion with a foreign bishop, and keep up a correspondence of charity and of christian relationship with him, and through him, with all the Catholic Churches throughout the Universe, howsoever remote or obscure they may be, or under whatsoever government. Such was the practice of the ancient church, continued in all Catholic countries till the present time, without any suspicion of disaffection or breach of allegiance to their respective sovereigns. That foreign bishop or *power*, as you are pleased to call him, is at present under absolute subjection, you say, to the most inveterate enemy of this country. He is indeed a prisoner to the tyrant, but he has *hitherto* set both his cunning and his cruelty at defiance; he has exhibited to the world the glorious spectacle of a great mind rising superior to misfortune, and sacrificing every consideration of personal repose and public grandeur to his duty towards God and towards his flock. "He is not a reed shaken by the winds," but a hero consistent in his conduct and unalterable in his principles. Happy would it have been for the interests of mankind, if the continental sovereigns had been endued with half his virtue and half his fortitude; the French Despot would never have attained his present elevation, and Europe would not be, as it now is, a scene of slavery or of carnage. But should the Pope, at any future period, weakened by age, and subdued by misfortune, so far forget his duty as to become the instrument of Bonaparte's projects, the provident loyalty of the Irish Catholic Bishops has, in the following resolutions, taken precautions that would defeat the views of the tyrant, even though aided by the authority of a temporizing Pontiff.

Resolved, "That by an act of the same day with these presents, and encyclical to the R. C. Churches, we have judged, concluded, and declared, that during the public captivity of his said Holiness, and until his freedom shall have been unequivocally manifested by some act, not merely of approbation or cession, we refuse, send

back, and reprobate; and moreover for ourselves, we annul and cancel, as to any effect, all briefs or pretended briefs, bulls or pretended bulls, descripts, even as of his proper motion and certain knowledge, bearing title of his said Holiness, and purporting to be declaratory of his freedom, or of any resignation of the papal office, and that during the said captivity of Pius VII. we account the years of his pontificate and of no other."

Resolved, "That if it should please God that his said Holiness should die, as now, a prisoner, we continue to account the Holy See vacant, until full information and canonical proof shall be had by us of the free canonical and due election of his successor."

But this correspondence with the Pope, you assert, will give him a complete command over the minds and the consciences of men, and trench, it seems in your opinion, "upon the undivided allegiance which they owe to their Sovereign." The Pope, my Lord, has no more influence over the consciences of Catholics, whether Clergy or Laity, than the Archbishop of Canterbury has over your conscience, or over the consciences of your Clergy. He can frame no new codes of morality; he can create no new article of faith. If difficult cases are proposed, or appeals made to him, he must decide; but his decisions are dictated neither by his passions nor by his interest, but by the Scripture, by the Canons, and by the practice and usage of the Catholic Church. All this, you perceive, is of a nature purely spiritual, totally unconnected with the government of any country, and indeed with any temporal concern, and as consistent with the prerogatives of the crown and with the allegiance of the subject, as is the discharge of your Lordship's episcopal functions in the diocese of Lincoln, or the ordinary duties of a county vicar. It neither is nor can be, as you are pleased to style it, "*imperium in imperio*;" this *political absurdity* is produced by the concurrence of two powers of the same nature, and not by the co-existence of governments utterly distinct in their origin, in their means, and in their ends, or in other words, in their very essence. In point of fact, the Lord Bishop and Count Palatine of Durham, possesses infinitely more temporal power and influence in this island, than any Pope has ever enjoyed or claimed since the days of King John, and the exercise of his rights, however legal and harmless it may be, borders much more upon "*imperium in imperio*," than the influence of papal authority.

This influence is indeed much more talked of by Protestants, than felt by Catholics. The latter read of the Pope in their catechisms and in their liturgies only; they pass through life in general without ever feeling, or even hearing of, any one single act of papal authority. The former ascribe to him an activity restless and unceasing, almost as extensive and as mischievous, as that of the great enemy of mankind, "going about seeking whom he may devour." Meanwhile, whether, as formerly, pouring out his benedictions on the human race from the colonnades of the Vatican; or, as now, shut up in a French prison, "bathing his couch with his tears," he can little imagine that the sound of his name is not only employed by wet and dry nurses to frighten their children and their pupils, but pointed out by grave bishops to their clergy, as an object of alarm, and held up, even by statesmen, as a portent and a prodigy to terrify the Parliament of Great Britain, and to keep this mighty empire in a state of fear and agitation through all its provinces!

From the refusal of the *Jeto*, your Lordship draws this inference, that "no credit is due to the assertion, that the Catholics of the present day are different from the Catholics of former times;" and exclaim with not a little exultation—"Is it to be supposed, that Papists have renounced any of the discriminating and exceptionable doctrines of the Church of Rome, when we see them, so pertinaciously adhering to its forms and discipline at a moment when they are soliciting fresh favors, &c. &c. &c." (page 361). There is in this passage, and in the two following pages, a great confusion of times and persons, of doctrines and opinions, of errors and truths, which seem to have floated in *darkness visible* before your Lordship's eyes, and may well have bewildered the most sensible and discriminating head among your auditors. Permit me, my Lord, who have the trifling advantage of being better acquainted with Catholic doctrines and opinions than you can possibly be, to attempt to free them from the obscurity in which you have enveloped them, and to present them in their true colors.

The "Church of Rome" is frequently used by your Lordship, and by some other disputants, in a very vague sense, or rather in many very different senses almost at the same time, and may signify, just as suits the purpose of the writer, either the Court of Rome, or the particular Church of Rome, or a certain set of

divines and schoolmen, or in fine, the Catholic Church in communion with the Roman See. By this happy contrivance, an able and honest logician may ascribe to the Catholic Church all the ambitious claims and projects of the first, all the abuses and disorders that may at any time have prevailed in the second, and all the false refinements and exaggerated opinions of the third, and thus load it and all its members with the odium attached to vice, to folly, and to ignorance.

Again, your Lordship does not seem to be aware of the difference that exists between faith and discipline, between doctrines and opinions, between partial and universal practice. You will, however, easily perceive the necessity of distinguishing these objects, and be inclined to admit that the same mode of reasoning cannot be applicable to all. This distinction, therefore, is the clue which I mean to employ, in order to extricate us both from that labyrinth in which your Lordship was pleased to bewilder yourself and your hearers.

The doctrine of the Catholic Church, that is, *the faith once delivered to the saints* cannot, we believe, ever change, or admit of addition or diminution. This faith or doctrine was entrusted to the Apostles, and by them to their successors, who, as a body, are guided, we conceive, by Him who has promised to remain with them to the end of the world, and who has sent his spirit to teach them all truth. This universal and unalterable doctrine is contained in the Creeds of the Apostles, of Nice, and of Pope Pius V.¹ It is comprised and explained in the catechisms which are in the hands of Catholic children, and may very easily be learned by any person who is desirous to become acquainted with it. Beyond this doctrine, immutable as its divine author,² every ecclesiastical ordinance, every practice of discipline, every rite or ceremony partakes of human frailty, and may change, alter, and die away. The whole discipline, therefore, of the Catholic Church, its ritual, its languages, and its ordinances, may yield to circumstances,

¹ The latter is an abridgment of the Decrees of the Council of Trent on the points in dispute at the time of the Reformation.

² It is to the immutability of this Catholic doctrine, and to it only, that the expressions cited in the Charge, from Doctor Troy and Mr. Plowden, can possibly be referred.

and by due authority be adapted to the exigencies of time and place, or to the feelings and habits of each age and nation. Once more, my Lord, I must publicly declare, in order, if possible, to prevent the repetition of the endless cavils with which Charges, Sermons, Pamphlets, and even newspapers are filled, that in *universal doctrine* only is the Catholic Church unchangeable, and for *universal doctrine* only is it, and are all its members, answerable. The doctrine or opinions of individuals, howsoever venerable such individuals may be, whether as fathers and doctors of the ancient church, or as divines and teachers of modern times, from St. Barnabas down to Bossuet; whether as Popes and Bishops, or as priests and laymen; the doctrine of individuals, I repeat it, has no other weight than that which it derives from their station, their talents, and their sanctity: it binds not the Catholic body, nor is that body accountable for it. This observation is applicable to assemblies of divines, to universities, and even to national synods and to Popes themselves, all of which have their due and appropriate weight, but still cannot command the internal assent of the Catholic. Universality of doctrine alone, universality, both in time and place, requires our submission, and to it we all bow with respect. “*Quod ubique, quod semper, quod ab omnibus,*”^a was anciently, and still remains, the rule of our faith. From this principle it follows, in the first place, that the Catholic Church is not accountable for the ambitious claims or worldly conduct of some Popes: no more, indeed, than the legislature of England is accountable for the despotic maxims or immoral demeanour of some of its princes. And in the second place, that neither the opinions nor the conduct of any individuals or of any societies, nor the abuses of any particular churches or ages are to be imputed to it. Therefore, to collect the absurdities that have been taught in different schools, or the extravagancies that have been advanced by some divines; to record the vices and the insolence of some Popes, and to present them, heightened by exaggeration, and garnished with the abuses of fifteen centuries, to the Public, as specimens of the conduct and principles of Catholics, may be a very popular and a very effectual species of argument, but it is neither logical nor charitable.

^a Vincentii Lirinensis Cōmmonit. cap. iiii.

Now, my Lord, having thus established a principle which may enable the most inattentive reader to distinguish our real doctrines from those imputed to us, I will proceed to notice your particular observations. "Nor are proofs wanting," these are your words, "that the doctrines and principles of Papiſts have undergone no alteration." If, by *doctrines* and *principles*, you mean tenets of faith or maxims of morality, they neither have undergone nor *can undergo any alteration*. If you mean seditious or treasonable opinions, we never entertained such opinions, and reject the imputation as we would that of falsehood or of cowardice, with contempt and indignation. If you allude to what you call elsewhere the "discriminating and exceptionable doctrines of the Church of Rome," that is, I presume, the articles in dispute between us, you must surely be unreasonable, if you expect us to resign, without stronger arguments than any which we have hitherto heard, doctrines which we believe to be a part of Christian revelation, and which we know to be founded on the practice of antiquity. You forget the fortitude and perseverance of which the Catholic body has given such an unusual example, or you would not require from it, as a condition of toleration, the sacrifice of that faith for which it has so long and so patiently struggled.

The doctrine of the infallibility of the Catholic Church, you censure with particular asperity; but as you produce no arguments against it, it is not necessary for me to explain the reasons on which it is grounded. I must however observe, that it is very immaterial to the believer, whether a church *be* infallible, or *act* as if it were infallible. "What is the difference," we may ask with Steele, "between a Church that never can, and a Church that never does err?" Submission is equally the consequence in both cases. The dissenter will smile at the distinction, my Lord.

Ambigitur quid enim!

Brundisium Numici melius via ducat an Appi-

The Council of Trent and the fourth of Lateran, we admit as general councils: their *canons of faith* we embrace as the sentiments of the Universal Church: their ordinances of discipline are received by some, and rejected by other, national councils. You censure the former, because it condemns that which it deemed er-

roneous ; or, in other words, because it did not sanction the opinions of the Reformers.' The latter you defame, by imputing to it doctrines and opinions which it never did or could have taught, or even tolerated. A mis-statement, originating in malevolence and propagated by ignorance, is a blot which I discover with pain in the Charge of a Bishop of Lincoln. Give me leave, my Lord, to recal to your mind, for you may have forgotten, but cannot be totally ignorant, of the circumstance, that general Councils were at all times, and particularly in the middle centuries, not ecclesiastical only, but also secular assemblies, composed of princes and barons, as well as of bishops and abbots, under both the Emperor and the Pope, and thus constituting the legislative assembly or States General of Christendom. Such assemblies or parliaments were competent, you will admit, to enact laws affecting both the spiritual and the temporal interests of the bodies which they represented, and of course, to pronounce sentence both upon heretics and upon rebels.

Now, the fourth council of Lateran, to which you allude, sat in judgment upon the Albigenses, a sect of Manicheans, who had risen in open rebellion in the southern provinces of France, and committed numberless most unwarrantable excesses. I am aware, my Lord, of your partiality to the heretics of the middle ages, and have often lamented that a body so respectable as the Church of England should so far forget its honor and even its interests, as to make common cause with all the fanatics and enthusiasts that preceded the Reformation, and astonished mankind, frequently by their crimes, and always by their absurdities. The Albigenses dealt largely in both, and drew upon themselves the vengeance of the temporal as well as the censures of the spiritual powers. Their numbers and their violences made them formidable, and the Count of *Toulouse*, with other petty princes of the provinces which they infested, had made treaties with them from motives of fear or of interest. Those treaties, and all engagements made with the rebels, not having been sanctioned by the King of France, the liege lord of these vassal princes, were, for want of that formality, null in themselves, though *not declared to be so by the Council*. Your Lordship, will, I presume, admit, that to reject such particular engagements in such circumstances, even if the Council had so

decreed, is not *quite* the same as to "declare that all engagements entered into with heretics, though sanctioned by oaths, are nullities in themselves." As for this latter declaration, it is not to be found in the fourth Council of Lateran, nor do I believe it ever to have been made by any council, synod, or assembly of any description; and to impute it to the Catholic Church, that is, to the far greater portion of the christian body, as an article of their faith, is to insult the common sense and common feelings of mankind. The expressions, if any such occur, which have been tortured by polemic ingenuity into this most mischievous meaning, either allude to particular places, times, and circumstances, or were grounded upon the legal incapacity of the contracting parties. In the *great work* to which your Lordship alludes in the Preface, as destined *perhaps to employ some future hour*, and to demonstrate the truth of what you now merely assert, we may expect to find the specific canons or decrees to which you allude, and when they appear, it will be time to take them each into consideration. Meantime, give me leave again to impress upon your mind the *Catholic maxim*, that the power of the Church is merely spiritual, and that in ecclesiastical assemblies, even in general Councils, ~~any~~ measures, taken relative to temporal arrangements or interests, rest entirely on the sufferance of princes and sovereigns, and consequently form no part of Catholic doctrine. It is unnecessary to add, what your Lordship must well know, that the decree of the fourth Lateran, to which you refer, is of very questionable authenticity, as it is not to be found in the *Codex Mazarinus*, a copy of the acts of the Council as ancient as the council itself.

But not content with having slandered a General Council, you proceed a step farther and defame the Catholics of these realms by accusing them of having acted upon various occasions "during the last twenty years, in exact conformity with these principles;" and though you allude "to a variety of facts and events," yet you confine yourself to one, as I presume, in itself a satisfactory evidence of their guilt. As the information it contains may be as new and surprising to the public as it was to me, I will give it in your own words. "All those demands (that is, of 1793) were then granted, and what was the consequence? The Papists having acquired additional strength, and having, as they supposed, lulled the

Government into security by their promises and professions, formed new conspiracies, prepared for open rebellion, and invited the French to their assistance, for the purpose of accomplishing their real objects—separation from Great Britain, and Roman Catholic ascendancy.”

I have long labored under a mistake, and as it was of an agreeable nature, I shall resign it with regret: though with all possible deference for your Lordship's superior information, I do not mean to give it up without further proof than your assertion. In opposition to this assertion, there are, I believe, the authority of the Irish parliament and of administration—the declaration of the Lord Lieutenant and the Secretary of Ireland—the Pastoral letters of the Irish Catholic Bishops: and that which is paramount to all authorities united, *the fact itself*. What, my Lord! a *Catholic rebellion*! why *all* the chiefs were *Protestants*! *all* the Catholic nobility, *all* the Catholic baronets, and *all* the great Catholic proprietors were drawn up in array, at the head of their respective yeomanry in order to put it down. *All* the Catholic Bishops published pastoral letters to caution their flocks against it, and to reclaim its deluded supporters. *All* the Catholic Clergy of dignity and note, and the body of Catholic Pastors at large exerted all their influence to check its progress.¹

Still you assure us that it was a Catholic rebellion; because (for I cannot even conjecture any other reason) the mob of rebels were Catholics; but surely, your Lordship is not to be informed that in every country, the mob must in all cases be of the predominant religion: or that rebellions take their tendency, and their denominations, not from the religion of the crowd, who are mere instruments, but from the designs of the leaders who conduct the plot, and give the impulse. No, my Lord, it was not a *Catholic rebellion*, nor for *Catholic ascendancy*; it was a French rebellion, and for French Anarchy. But I leave this subject to persons of greater weight and talents: and I trust, that some Irish peer, or perhaps bishop, prompted by an honorable sense of what is due to justice and to his country, will call upon your Lordship in your place in the House of Lords, either to prove, or to recal, an asser-

¹ There were some Catholic as well as Protestant Clergymen and Dissenting Ministers in it, but their number was very small.

tion highly injurious to so numerous and so respectable a portion of the Irish nation.

In the same p. (No. II. 363.) your Lordship observes that the "advantage resulting from the grant of the Catholic claims now urged would necessarily be confined to a few of the richer and higher classes:" an admission which, I own, rather surprises me. A very small number of Catholics are then likely to be introduced into parliament: where then are we to find the *Popish* legislators, and the *Popish* laws, the *Popish* advisers and *Popish* advice, with which you attempt to terrify your readers in the following page? Your Lordship, it seems, can raise and lay phantoms at pleasure,

Pectus falsis erroribus implet.

But to return to the council of Lateran, it enjoins, you say, "the utter extirpation of Heretics (that is, of all Christians differing from the Church of Rome) and the dethronement of heretical sovereigns." I am under the disagreeable necessity of pointing out three grievous mistakes in these three short lines. The Council of Lateran, that is, the *sovereigns* and *bishops* of Christendom ordered war to be waged not against *heretics in general*, but against the Albigenses in particular, heretics who taught odious and immoral doctrines, and at the same time rebels who had disturbed the public peace. They deposed not heretical *sovereigns* but *vassal* princes, who, in opposition to their *liege lords*, aided or protected those rebels. In fine, my Lord, heretics are not "all Christians differing from the Church of Rome," but those only who are engaged in *obstinate* error.

Your Lordship will, I presume, admit that heresy is a crime: it is qualified as such by St. Paul.¹ Heresy is not every error, but *an obstinate error in matters of faith*.² Such is the definition which we all learn in our infancy! To this liberal definition; which condemns the opinion but spares the person, your Lordship can have no objection; at all events you cannot censure Catholics, who,

¹ Titus III. 10, 11.

² Question. What vice is opposite to faith? Answer. Heresy, which is an *obstinate error in matters of faith*.—Donay Catechism, p. 13; a catechism in universal use in English Catholic Schools.

while they lament the diffusion of doctrines which they cannot but deem erroneous, presume not to fathom the secrets of the human heart, and tax those who profess them with *obstinacy*.

To strengthen this observation with an authority, which you have in other works quoted with respect, give me leave to cite St. Augustine, who thus addresses his friend Honoratus, in the beginning of his short but excellent treatise *De Utilitate Credendi*:—"Si mihi, Honorate, unum atque idem videretur esse hæreticus, et *credens hæreticis homo*, tam lingua quam stylo in hac causa conquiescendum mihi esse arbitrarer. Nunc vero cum inter duo plurimum intersit: quandoquidem hæreticus est, ut mea fert opinio, qui alicujus temporalis commodi et maxime gloriæ principatusque sui gratia, falsas ac novas opiniones vel gignit vel sequitur: ille autem, qui hujusmodi hominibus credit, homo est imaginatione quadam veritatis ac pietatis illusus."

To this benevolent opinion every Catholic will, I am sure, most readily subscribe, and if I be not much mistaken, with your Lordship's approbation. But if you reject the opinion of St. Augustine and the definition of our catechism, in order to repel your indirect charge of uncharitableness, I must have recourse to retaliation, a weapon which I handle with regret, but to which the assailant can have no objection. Catholics, my Lord, *believe* that your doctrines are *heretical*; you *swear* that Catholic doctrines are *idoltrous*; I leave your Lordship to decide which of the two qualifications is the most polite and flattering; or which is most exposed to the censure passed in the Gospel upon the hypocrite; "First cast the beam out of thine own eye, and then shalt thou see clearly to cast the mote out of thy brother's eye." (Matt. vii. 4.)

In your conclusion, my Lord, you have, according to the rule laid down by rhetoricians, risen both in boldness of assertion, in vehemence of language, and I am sorry to be obliged to add, in virulence of sentiment. I will not attempt to rival your Lordship or pursue your flight as you soar through this region of darkness and of thunder—

Aloft, incumbent on the dusky air,
That feels unusual weight:

I will merely presume to make a few observations—Whether Roman Catholics *enjoy full and complete toleration?* and

whether every concession of a civil nature consistent with public security, has been made to them, &c. is the subject in debate between us. Your Lordship warmly maintains the affirmative. I humbly suggest that toleration cannot be perfect as long as a Catholic Peer is deprived of his birth-right; the opulent member of honorable distinction; the man of talents of the reward of useful exertion; and the sailor and the soldier of the meed of valor, and of the crown of victory.

Your Lordship loudly asserts that the grant of the Catholic claims would endanger the Protestant establishment: I have presumed to assure your Lordship and the public, that it would strengthen it, by removing the causes of hatred, and joining every heart and hand in its cordial support. I have gone farther and ventured to show that it is not the interest, and therefore that it cannot be the wish, of the Catholics to overturn the Established Church. No, my Lord; they consider the Church of England as less inimical to them than any sect of Dissidents, as likely to make a more moderate use of the influence which she possesses, and at the same time as a check upon all religious parties, that prevents them from falling foul upon each other, and engaging in mutual hostilities! I have moreover endeavoured to show that the Catholics have no ambitious projects in view, and seek not for power as a body, but merely pray that the career of honor and of influence, open to the rest of their countrymen, should not be closed against them only; in fine, I have been so bold as to point out some slight mistakes, and to correct some misnomers, which have escaped unnoticed from your Lordship, and which, if not rectified, might, contrary to your intention, have produced mischievous prejudices. How far I have succeeded, I leave to the public to determine, and trust the decision with the utmost confidence to the candor, the good sense, and above all, to the independent spirit, of the nation.

A few more short remarks, my Lord, and I will close with pleasure a task which I took up with reluctance. You deprecate *warmth and party zeal in disputes merely political, as highly unbecoming the office of a clergyman*, from whence we may infer that, in religious debates, you conceive such feelings allowable. For my part, I deprecate *warmth and party zeal* in all discus-

sions, as contrary not merely to clerical decorum, but to the cause of truth, and to the spirit of Christianity. *To speak evil of no man, to be no brawlers, but gentle, showing all meekness unto all men,* (Tit. iii. 2.) is the acknowledged duty of every Christian, though seldom practised in polemical contests, particularly when an attack upon Catholics is the object. *They* are turned loose as beasts of prey to every scribbler, and to every declaimer; towards them there is no law of nations; every stratagem is allowable in the contest; every poisoned weapon is employed without remorse. Their tenets are misrepresented; their conduct is vilified; their very oaths are rejected, though never did any society make so many and so great sacrifices to the sanctity of an oath, as the long-endured persecutions, privations, and, what is still more repugnant to a generous mind, the disgrace and mockery, of near three centuries amply testify.

Yet, my Lord, it might be recollected, that the Catholic Religion was, for nine long centuries, the religion of England; that to it you owe the stateliest edifices that grace the land, and in particular that venerable Cathedral in which you sometimes sit enthroned; the two Universities, with all their noble furniture, and all their orderly regulations; and the far greater part of the parochial churches, colleges, and charitable establishments, that meet the eye in every direction, and inspire sentiments of piety and benevolence. Nay, more; to it the Church of England owes the creeds that fix her faith, and raise her above sectarian versatility, the dignified forms that distinguish her congregations from the mobs of conventicles, and the very prayers and liturgy which she glories in as a perfect model of adoration. Believe me, my Lord, it would contribute much more to the propagation of truth, if you were to call the attention of your clergy to these features of resemblance, to these debts of gratitude, than to *explain and to defend the grounds of separation from the Church of Rome.*

I have abstained from controversial topics as much as the nature of the discussion would permit, and I mean not to enter that field at present: but you will allow me to observe, that the Reformation was an era of irritation and of frenzy, and consequently of exaggeration, and therefore, that statements made by

persons so deeply engaged in the contest, and so strongly influenced by the passions of the times as were the Reformers, ought to be persuaded with caution and with diffidence. To close, not widen, the breach, is the endeavour of the wise, the fond wish of the benevolent, and the duty of the charitable, and one step towards that most desirable event is to consider rather the many articles in which we agree, than the few in which we differ, and in the discussion of the latter, to be guided by a spirit of candor, of impartiality, and even of indulgence. After all, my Lord, Faith, with all its high prerogatives, is yet subservient to Charity; and we transgress instead of fulfilling the duties of a Christian, if, in defending the interests of the former, we violate the more important duties of the latter. Your Lordship represents genuine christian charity as a mark of the true church; I willingly admit it to be so, and leave it to the public to determine which party seems to feel its influence most in the present contest.

I conclude, by sincerely wishing that your Lordship may long enjoy in health and tranquillity the honorable situation in which you were placed by your illustrious pupil, the friend of the Catholic cause and of toleration.

I have the honor, &c. &c.

JOHN CHETWODE EUSTACE.

South Audley-Street, London.

A.
LETTER



TO THE
REVÈREND PETER GANDOLPHY,

IN CONFUTATION OF THE OPINION
THAT THE VITAL PRINCIPLE OF THE REFORMATION
HAS BEEN LATELY CONCEDED TO THE

Church of Rome :
WITH A POSTSCRIPT,

CONTAINING
REMARKS
ON THE
CONSEQUENCES WHICH MUST RESULT FROM THE
Concession of the Catholic Claims.

BY HERBERT MARSH, D. D. F. R. S.

MARGARET PROFESSOR OF DIVINITY IN CAMBRIDGE.

THE THIRD EDITION.

This Edition is not Published

1813.

LETTER, &c.

REVEREND SIR,

WHEN your Letter to me was announced in the public papers, I expected only a pasquinade under a fictitious name, in which I was again to be represented as an advocate for the Church of Rome, because I had promoted the Liturgy of the Church of England. Such representations are perfectly congenial with the spirit of the ancient Puritans, who regarded the Churches of England and of Rome as twin-sisters, who viewed the Prayer-book and the Mass-book in the same light, and always inveighed against the Church of Rome, when they meditated a blow against the Church of England. But I never heard before, that the members of *your* Church admitted the similarity which was urged by the Puritans; and therefore, as your name was previously unknown to me, I supposed it was nothing more than a mask, to conceal an attack from some other quarter. I have been lately however informed, that you have a real existence; and that, so far from writing in

the way of ridicule or banter, you are serious in supposing me a defender of the Church of Rome. I do not, indeed, perceive that you consider me as altogether a *convert* to your religion; but you claim the honor (if an honor it is) of having, in the Margaret Professor of the University of Cambridge, an advocate of those very principles, which the writers of your Church have urged against the Reformation.

You suppose, that I have abandoned "the vital principle of Protestantism;" that I have conceded to the Church of Rome the post, in which she strived to entrench herself against the early Reformers; and you admire the manliness and candor, with which the concession has been made by a Protestant Professor. The notion, once entertained by every Protestant, that the Bible *only* is the fountain of religious truth, is now abandoned, as you imagine, by a Divine even of the Established Church. I am supposed to admit, that something *more* than the Bible is wanted, to maintain the truth of the doctrines, as well of *our* Church, as of your own. I am consequently represented, as defending the Church of England against Protestant Dissenters, on the same ground, as the Church of Rome was defended against the tenets of Luther. I should hardly have supposed that my *real* meaning could have been so strangely misunderstood, if similar representations had not been already made by some of my *Protestant* opponents. I ascribed them, however, entirely to the heat of controversy; I thought them unworthy of notice, and supposed, that, with every rational being, they would involve their own confutation. My opponents have full liberty, to apply to me whatever *names* they choose, whether it be Papist, or Socinian, whether it be Jew or Mahometan. From such titles of intended reproach, no man can stand in need of vindication, whose religious opinions have been so fully

and decidedly recorded. I do not indeed believe, that any thing opprobrious was intended on *your* part ; on the contrary, you must, consistently, believe, that you confer an honor on every man, whom you consider as approaching to the Church of Rome. But since, with real earnestness, though with great simplicity, you have adopted the notion, that I have *really* conceded an important position to the Church of Rome, and this notion, if not confuted, might at the present moment be of serious injury to the Established Church, I no longer consider it as a matter of indifference, whether the confutation be withholden, or not. I will prove, therefore, that I have *not* made the concession imputed to me ; that I have *not* required more than the Bible to maintain the truth of our doctrines ; that I have *not* defended the Church of England against Protestant Dissenters on the same ground, that the Church of Rome was defended against the early Reformers. When the Church of England is assailed on all sides, it is more than ever necessary, that the foundation, on which it stands, should be neither weakened, nor misunderstood.

The chief cause of misapprehension on this subject must be sought in the common error of confounding two things, which, though *united* in our Church, are in themselves *distinct* ; namely, “ *true religion*,” and “ *established religion*.” Men have argued, as if those terms were synonymous ; and hence conclusions, which may be fairly deduced from the one, have been falsely deduced from the other. If the terms were synonymous, Truth would be often at variance with itself ; it would apply, or not apply, to the very same thing, according to mere accident. And as a religion does not become true, because it is established, so, on the other hand, a religion is not necessarily the established religion, because it is the true one. For whether (for the sake of argument) we suppose the Church of England, or

the Church of Rome, or the Church of Geneva, or any other Church, to be the true and genuine form of Christianity, such form would then of necessity be every-where adopted. In fact, the establishment of a religion in any country (as both Bishop Warburton and Dr. Paley have clearly shown) is not founded on the consideration of its *truth*. The establishment of a religion is an act of the legislature: but no legislative enactment can decide the question whether a religion be true or false. *This* question lies *without* the province of the legislature; it is a question of theology, and not of civil government. When a religion is established by law, the honours and emoluments, set apart for the ministers of religion, are exclusively appropriated to one religious party. But the legislature, in the *selection* of this party, and in preferring it to all the rest, is guided solely by the consideration of its *superior* utility to the state. And, as that religion, which is professed by the most numerous and most powerful party, is likely to be most *useful* to the state, it is *this* party, with which the state allies itself, and to which it affords an establishment. The *persons*, who profess the religion so established, both may be, and ought to be, directed in their choice, by a belief that the object of their choice is a *true* religion: and so far the truth of a religion may operate, *remotely* or *indirectly*, on the decision of the legislature. But the *immediate* and *direct* motive, which operates in the establishment of a religion, is its utility to the state: and that utility (namely, to the *state*) will be greater or less in proportion to the number and influence of the party which professes it. Thus, before the Reformation, the Church of Rome was the established Church in this country: but when the great body of the people agreed to profess Christianity under a different form, *this* form became the established religion: and it would *cease* to be the established religion, if at any time the great body of

the people should determine to profess Christianity under *another* form.

From these premises it necessarily follows, that whenever a religion is to be defended, very different arguments are requisite for its defence, according as we have to defend, either the *truth* of that religion, or the *establishment* of that religion. If, for instance, the *truth* of those doctrines, which constitute the religion now established in this country, required further illustration than has been already afforded them by our eminent Divines, a Churchman, in common with every other Protestant, would appeal to the authority of the Bible, and of the Bible *alone*. And he would *confine* himself to this appeal, whether he defended the truth of those doctrines against the objections of a Romanist, or against the objections of any *other* Christian. He would not appeal to the Liturgy, or the Articles, or the Homilies; for his opponents might reply, '*We* do not recognize such authority.' Indeed it is obvious that, in every controversy, the sole authority, which can be consistently quoted, is such as is *mutually* admitted by the contending parties. For this reason it is useless, when a Romanist argues with a Protestant, to appeal to Tradition: for his opponent would silence him by the simple reply, that the Bible *only* is the religion of the Protestant.

But a very different mode of proceeding is necessary, when we undertake to defend a religion in reference to its *establishment*; or in other words, when we undertake to support an *established* religion against the dangers, which menace the *destruction* of that establishment. We are then concerned, not merely with an abstract theological inquiry: We are concerned also with a question of ecclesiastical, and even of civil *polity*. Every establishment presupposes a *test*: there never was, and there never *can* be, a religion established by law, without some formulary, to

define that religion. The Bible is common to *all* Christians. The Trinitarian and the Unitarian; both they who admit, and they who oppose, the doctrine of the Atonement; both the adversaries, and the advocates, of unconditional election; the believers in seven sacraments, the believers in two sacraments, and the believers in no sacrament, all appeal to the Bible, as authority for their respective opinions. A declaration, therefore, grounded on the Bible *alone*, though it determines, that the person, who makes it, professes himself a Christian, can never determine, whether the Christianity, which he professes, is the religion *by law established*. And it is on this very account, that in England and Ireland, when a *Churchman* qualifies, he qualifies, not by the Bible, but by the *Liturgy*. Now in the Works, which I have lately published, and to which your Letter applies, I had no *occasion* to defend (which I should have done had it been *necessary*) the Established Religion in respect to its *truth*. In that case, I should have appealed to the Bible *alone*, as the *fountain* of religious truth; I should have defended the *truth* of our doctrines, not by *saying* that they were contained in our Liturgy and Articles, but by *proving* those doctrines to be founded on a just interpretation of the *Bible*. But when I argued against the support, which was given by Churchmen to the Lancasterian System and the Bible Society, I declared expressly and repeatedly, that my arguments were addressed to *Churchmen only*. I addressed myself therefore to persons, who already *agreed* with me as to the *truth* of the established religion; but who differed from me in respect to the means of continuing that religion (acknowledged by both parties to be *true*) in its present *establishment*. On the principle, therefore, which guided our legislature in the enactment, that Churchmen should qualify by the Liturgy, as the criterion or test of the

established Church, I contended, that, in proportion as this criterion or test were *neglected*, our religious Establishment would be *endangered*. Without the Bible, indeed, we cannot be *Christians*; but without the Liturgy we cannot be *Churchmen*. When Churchmen, therefore, distribute Bibles among the poor of the Establishment, I contended, that they should accompany the Bible with the 'Prayer-book.' But I did not contend, that, when the *truth* of our doctrines was to be maintained against Dissenters, an appeal should be made to the Liturgy and Articles, as the authorized interpretation of the Church. I could not be supposed to apply such an appeal to men, who *rejected* that interpretation. In all that I wrote against the Lancelian system and the Bible Society, I had no concern *whatever* with Dissenters of any description. I repeatedly declared, that I did not desire to interfere with *their* conduct, in regard either to the former, or to the latter institution. I addressed myself only to Churchmen, and to them only, on the score of *consistency*. I urged the impropriety of inattention, on *their* part, to the Book which

I stated in my Letter to Mr. Varsittari, that from the ^{*}beginning of 1801, when the Bible Society was founded, to the end of 1811, the number of Prayer-books printed at our University Press was *twenty thousand less*, than during an equal period immediately *preceding* the formation of that Society. From a subsequent examination which I should have thought unnecessary, if a very partial statement had not been made by an opponent, I have learnt that the number which were on hand at Lady-day, 1801, (the accounts being made up half-yearly) was 37,767; and the number on hand at Michaelmas, 1811, was 35,531. The sale, therefore, of Prayer-books had diminished in nearly the same proportion as the *printing* of them. But I have the satisfaction to add, that since the publication of my "Inquiry into the Consequences of neglecting to give the Prayer-book with the Bible," which was at the beginning of 1812, the demand for Prayer-books at our office has been gradually *increasing*, and now exceeds the demand *even of former periods*.

constitutes the Churchman, whether that inattention were displayed in the education of children, or in the instruction of adults. Though the Bible *only* is the religion of the Protestant, when the *truth* of his religion is to be defended, yet, as every one, who professes himself a Churchman, thereby professes his *assent* to what is taught by the Church, it then becomes essentially necessary, if he would remain consistent with himself, that, *together with the Bible*, which is the sole *fountain* of Christian faith, he should distribute that *formulary*, in which he must believe, if his professions are sincere, that the waters of the fountain have been drawn pure and uncorrupted. In short, my whole and sole endeavours have been directed to the single point of making Churchmen aware of the dangers, which threaten the Establishment, and of preventing them, if possible, from lending a helping hand to its destruction.

Where then is the concession, which I have made to the Church of Rome? What post have I abandoned, or what cause have I afforded for your congratulatory address? Point out to me, if you can, the similarity between *my* method of defending the Church of England, and the mode adopted by *your* writers in defending the Church of Rome? When Luther and his associates protested against the Church of Rome, they protested against her *doctrines*, which they denied to be *true*; and in opposition to those doctrines, they composed a Confession of Faith, which they presented to the Imperial Diet at Augsburg. Here, then, the contending parties were at issue on the question, whether those doctrines, which in the Confession of Augsburg, contradicted the tenets of the Romish Church, were true or false. The one party appealed to the Bible and Tradition: the other party rejected the authority of Tradition, and appealed to the Bible alone: and hence the two parties, not agreeing on their first principles, never did, and never can, arrive at the same conclusions. The

Lutherans still adhere to the doctrines maintained in the Confession of Augsburg, and the Church of Rome retains the doctrines decreed in the Council of Trent. Now, in order to make a defence of the Church of England against Protestant Dissenters, similar to that defence, which was made by the Church of Rome against the early Reformers, it would be necessary to appeal, not only to the Bible, but also to the Liturgy and Articles. But I think you would find it difficult to discover a passage in any of my Writings, where I had appealed to our Liturgy and Articles in a controversy *with Dissenters*. I have tried, indeed, to defend the Establishment, as an establishment, by inculcating the necessity of an increased attention to the Liturgy, in the instruction of the old, as well as of the young. But those exhortations were confined to *Churchmen*, who *admit* the truth of our Liturgy and Articles; they neither were, nor *could* be, designed to influence the conduct of men, who neither subscribe to our Articles, nor admit our Liturgy in public worship. I should rejoice indeed to hear, that they consented to both; and I would gladly use my humble endeavours to persuade them to such consent, if, after the efforts which have been made by much abler writers, their consent were not rather a matter to be wished, than to be expected. But, if I should undertake the task of soliciting such consent, I should not be guilty of taking for granted the thing to be proved; I should abstain from appealing to an authority not previously recognised by my opponents; I should appeal to the Bible *alone*, which is recognised by every Christian.

On the same principle, if I were defending the truth of our doctrines against a writer of *your* church, I should confine myself to the same common authority, though you yourself (p. 424.) do not perceive "by what rule of logic" I have asserted in the Inquiry, that "every true Protestant, when arguing with a Catholic, must contend for the *Bible*

alone." I have made the assertion in perfect conformity with the principles which pervade the Works to which you allude: and you are not only mistaken *yourself*, but (No. II. p. 415.) you strangely impose upon your *readers*, when you gravely tell them that the principle—"true religion cannot be found by the Bible alone"—is the principle for which I contend. Had this principle been stated in words professedly your own, I should have only complained of an unaccountable mistake. But you have included those words between inverted commas, and have thus seduced your readers into the belief, that they are words, which had been used by *me*. And this *pretended* quotation, which will be readily received as *genuine*, not only by Catholics, but by a numerous body of Protestants, has a conspicuous place at the very beginning of your book, and serves for the basis of all your subsequent reasoning." It is hence that you exult in the conclusion of your Letter that I am reduced either to the dilemma of the man, who fixed the world upon a tortoise, or to the necessity of arguing in a circle, by reasoning from our Liturgy and Articles to the interpretation of Scripture, and from the interpretation of Scripture to our Liturgy and Articles." But as your basis is false, your superstructure falls at once to the ground. In the interpretation of Scripture, I would analyse every passage with the severity of a *critic*; I would investigate its meaning, *unfettered by theological systems*; and the meaning *thus* discovered I would adopt as the *true* meaning. I would not try it by any "*other rule of faith*," as you say at p. 421., and surrender "the old principle of the Reformers," as you say in the same place. When the *truth* of our doctrines is to be proved, I recognise *no* other rule of faith, than the rule of Scripture. And if, instead of believing, as I do, that our Liturgy and Articles are conformable with a just interpretation of Scripture, with

an interpretation, not transferred from the Articles themselves, but deduced *a priori* by the same grammatical and historical analysis, by which we discover the meaning of *other* ancient writings, I should ever be convinced, that such independent interpretation contradicted what has been given to us by our Reformers as a *legitimate deduction* from the Bible, I should declare, that the work of man must yield to the work of God. Whether the doctrines of *your* Church, or the doctrines of *our* Church, be true or false, must be determined wholly and solely by an appeal to the Bible.

I hope, Sir, that you will thus understand the difference between defending an *Establishment* by urging the circulation of the Liturgy, which is the *test* of that Establishment, and defending the *truth* of an Established Religion by an appeal to the *Bible alone*. Unless, therefore, you are prepared to let the Bible *without Tradition*, as I am to let the Bible *without the Liturgy and Articles*, be the rule for deciding controversies between your Church and mine, you congratulate yourself in vain on the similarity of our opinions. But your Sermon on “the *Inadequacy* of the Bible to be an exclusive rule of Faith” (though dedicated to me,) and your appeal to the *Tradition* of your Church, afford no reason to hope, that you will consent to the decision of our religious differences by the *Bible alone*. If I mistake not your meaning at p. 427—9, you agree with other writers of your community in making Tradition the *paramount authority*, by which the truth or falsehood of Christian doctrines is to be decided. This Tradition is supposed to “rest upon the authority of the Apostles, or their immediate successors,” in like manner as modern *Jews* imagine that the Tradition of *their* Church was orally transmitted from *Moses* and his immediate successors. Then taking for granted that *our* Liturgy corresponds to

your Tradition, you assert that, "the argument between us is simply a contest *de valore testium*, on which human judgment can easily decide." And this decision, you think, is made at once by the declaration, that the one was received from the "innovating hands of the Reformers," while the other was inherited "from the earlier Fathers of the Church and disciples of the Apostles." From these premises the obvious conclusion is, that the English Liturgy must be *false*, and Romish Tradition *true*. Consequently, this Tradition is the proper criterion for the decision of religious disputes. But if this criterion be applied to the doctrines of our respective Churches, the one will *stand* the test, the other will *not*: whence it follows, that the Church of Rome is the true Church, and the Church of England a false one. Q. E. D.—This reasoning may be very satisfactory to those, who previously agree with you in taking for granted the thing to be proved. But what will become of your reasoning, if, while I admit that our Liturgy was received from the hands of *Reformers*, I deny that your Tradition was inherited from the *Apostles*. I think you would not be able to bring satisfactory evidence, that we have inherited from the Apostles any other doctrines, than those, which are recorded in their genuine writings, as contained in the New Testament. Hence it was, that our Reformers *rejected* the authority of Tradition: and this very rejection is that which constitutes *the vital principle of the Reformation*. But this "vital principle," though it led them to the Bible alone, as the sole *fountain* of religious truth, did not prevent them from composing Formularies or Confessions, containing doctrines, which they deduced from the Bible. These were necessary to *distinguish* the new religious parties, as well from each other, as from the Church of Rome: and whoever chose to profess himself

an adherent, to *this*, or to *that* party, made his profession, in the *only* possible way, by signifying his assent to the Formulary, which *distinguished* such party. In *this* respect the Church of England and the Church of Rome act alike: we each subscribe to our respective Creeds. But there is a material difference in the principle, by which we obtain *authority* for our respective Creeds. We do not elevate our Liturgy and Articles to the rank of Romish Tradition, and pretend to derive them from the Apostles through a long succession of Fathers. We acknowledge in them no co-existent and co-equal authority with the Scriptures: much less do we admit (as I think *you* do of Tradition) that the Scriptures themselves must be *tried* by our Formulary of faith. This would *really* be the Circulus vitiosus, which you mention in p. 428.; *our* formulary of faith is *professedly* founded on the authority of the Scriptures alone: this position is maintained in the Articles themselves: no man, therefore, in his sober senses, would be absurd enough to ascribe to our Liturgy or our Articles an authority independent of, or co-equal with, the Bible. I know indeed that Mr. Vansittart, in the heat of controversy, has declared me guilty of this absurdity, and, in defiance of repeated declarations to the contrary, has asserted that I make for the Liturgy "a claim of *equality* with the Bible." The passage in which he makes this groundless assertion, was too advantageous to *your* cause to remain unnoticed. You have produced it therefore at full length in p. 427, and then triumphantly conclude, "This is truly, Sir, the confirmation of all I have advanced." Now the passage, which you have there quoted in *confirmation* of your argument, you *ought* at least to have known to be a gross mis-statement: for at the very opening of your Pamphlet, you profess not only to have read my Inquiry, but to have purchased also my "Correspondence with Mr.

Vansittart on the same subject, and also my Sermon at St. Paul's. All these Works so clearly prove the mis-statement in question, that you have acted as unfairly in repeating it, as Mr. Vansittart in making it.¹ In like manner you have appealed, at p. 427, to the assertion of *another* adversary, who, as you say, has compared our liturgy with *Tradition*. But do not make *me* answerable for opinions, which I disavow. I have already *proved* to you, that the English Liturgy bears no analogy whatever to Romish Tradition. The former is subordinate to, and dependent on, the Bible: the latter is made co-equal with, and is used even to determine the *sense* of, the Bible. It is the judge of controversy, from which you admit no appeal: but the judge of controversy, from which the Church of *England* admits no appeal,—is the Bible.

I trust, therefore, I have fully proved, that the vital principle of the Reformation has *not* been abandoned by me to the Church of Rome; that I have *not* sanctioned the evidence adduced by your writers against the original Reformers, by arguing on the same ground against Protestant Dissenters. In controversy with Dissenters of every description, I acknowledge *no* authority but that of the Bible. But when any religious party has agreed to recog-

¹ I need only quote the following passage, from p. 379. No. II., of my Letter in answer to Mr. Vansittart: "That I claim for the Prayer Book an *equality* with the Bible is an assertion made not *only without* authority, but *in direct contradiction* to repeated declarations in that very Book, which you profess to answer. If *without the Bible the Liturgy has no support*," as I declared at p. 115 No. 1: if the validity of its doctrines depends on their being *'correctly derived from the Bible,'* and the Bible is *'the only fountain of religious truth,'* as I declared at p. 120. No. 1, have I not reason to complain, that you should represent me as claiming for the Prayer Book an *equality* with the Bible?"

nise a work, which, in the opinion of that party, contains doctrines *correctly* derived from the Bible; when that work, like the English Liturgy, forms the test and the bulwark of the established Church; I then contend that such party acts *inconsistently*, if they neglect to circulate it with the Bible among their own members. This is all that I have urged in contending for the *joint* distribution of Bible and Prayer-book. I have argued, not against the vital principle of the Reformation, but against—the *leveling* principle of the *Bible Society*.

I am, Rev. Sir,

Your most obedient humble Servant,

HERBERT MARSH.

POSTSCRIPT.

I TAKE this opportunity of correcting an inaccurate expression, relative to the distribution of the Bible in your Church, because you say at p. 419, “that it is particularly incumbent on me at the present moment, when Catholics have *so much at stake*.” Now when I denied in the Inquiry, that it was the practice of your Church to distribute the Bible, I assure you, I did not intend to say any thing offensive or injurious: I merely intended to state what has been always understood to be the practice of your

Church, though I own that I should have expressed myself with limitations. The *indiscriminate* use of the Scriptures is, I think, not allowed by the Council of Trent: and your great oracle Bellarmine declares of the Scriptures, (Lib. II. de verbo Dei cap. 16.) “Pontificios—hoc duntaxat velle, quod non debeant publice legi linguâ vulgari, nec *passim omnibus permitti* linguâ vulgari legendæ.” You yourself, Sir, go no farther than to say, that “the Catholic Church has never *absolutely prohibited* the reading of the Scriptures,” which implies at least that the general reading of them has never been *absolutely allowed*. And though you are much to be commended for your *own* practice of distributing the Bible, it is only an exception to the rule, and not the rule itself. I should rejoice to hear, that these exceptions became so numerous, as to constitute a *new* rule; and that the Bible were universally received in the character, which I have uniformly assigned to it, “*the sole fountain of religious truth.*”

I will embrace also the present opportunity, when the *Church of England* has “so much at stake,” of expressing the opinion, which, after the most mature reflexion, I entertain of the consequences, which would result from the concession of the claims, now imperiously urged by the members of your Church. I acknowledge, agreeably to the principles maintained in the preceding Letter, that the Legislature, *as such*, has no concern with the question, whether your religion be true or false. No vote, either of the House of Lords, or of the House of Commons, can decide the purely theological questions, whether there be *two* or whether there be *seven* sacraments, whether the consecration of the bread at the Lord’s Supper converts, or converts it not, into a different substance. But it is the business of the Legislature to determine, whether the religion, which a man professes, renders him, or renders him not, *a good subject*

of the state. It is the business of the Legislature to determine, whether the religion, which a man professes, renders him proper or improper, to be trusted with *offices in civil government.* No authority should interfere, to prevent a man from worshipping God in that way, which his conscience prescribes to him. This is a *natural* right, which no obligation of civil society can cancel. But it is a contradiction to say, that the right to *political* power is a *natural* right. The right to *political* power can be derived only from *political relations*: which again in this country are dependent, more or less, upon *religion.* If the religion, which a man professes, renders him less attached, than another, to the constitution of this country, the former must be less qualified, than the latter, to *administer* that constitution. Now the constitution of this country is a compound of Church and State; and we know, as well from experience, as from theory, that the one cannot be endangered without endangering the other. But *all* men, without exception, who differ from the established religion, must in their hearts be desirous of new-modelling that religion according to their own opinion; and though prudence may repress their exertions, while they possess not the means of obtaining their ends, yet as soon as a change of circumstances has furnished them with the *power* of opposition to the Establishment, that power will be exerted against it. In *this* respect, there is no practical difference between Dissenters of one kind and Dissenters of another: an Anti-episcopalian Protestant must be adverse to our episcopal Establishment, as well as those who are attached to the religion of Rome; and it is a fatal mistake to suppose, that, because a Protestant Dissenter has not a foreigner for the head of his *own* church, he has therefore no temptation to overturn the *established* Church. But they who *do* acknowledge a foreigner for the head of

their church, are 'certainly 'much *less* fitted to be trusted with political power,' because *their* allegiance is *divided* between the Sovereign of their country, and 'a 'foreign authority, to which, by the very tenets of their religion, they are bound to pay implicit obedience. It is true, that this obedience relates immediately and directly to *spiritual* concerns, while they are ready to acknowledge the authority of their Sovereign in every thing, which relates to *temporal* matters. But when allegiance is *divided*, let the distinctions be ever so nicely marked, it is impossible, that men should be as *good subjects*, as if their allegiance were *concentered in their Sovereign alone*. And however nicely the distinction between temporal and spiritual authority may be marked in *theory*, yet in *practice*, the boundaries will soon be overleaped, and the authority, which commands the *conscience*, will command the conduct of *the man*.

Don't mistake, Sir, my meaning, and represent me as saying, that the Catholics in this country are *not good subjects*. I mean no such thing: I speak only by comparison. I assert only, that their religion prevents them from being *so* good, and *so* useful, subjects of the state, as the members of the Establishment, or as they would be themselves, if they *became* members of the Establishment. I readily acknowledge, that they constitute a respectable and loyal body; that they are attached to their Sovereign and to their country. But their best *intentions* must perpetually be checked by the intervention of that *external* allegiance. The *strength* of that allegiance, and the warmth *still* excited by the object of it in the hearts of his true disciples, you yourself, Sir, have displayed by exhibiting the Pope at the head of your Pamphlet. In short, that *external* allegiance, when added to the desire, which *all* Dissentients possess, of making their own the established religion, gives a new

impulse so powerful in its own operations, and so easily directed by foreign intrigue to purposes subversive of our constitution, that the *guidance* of our constitution cannot safely be entrusted to those, who *profess* such allegiance.

Under these circumstances, the consequences are obvious, which must result to the established Church, if the present demands of the Roman Catholics be conceded. These demands, which are so imperiously urged, as in the very mode of *preferring* them to excite alarm, extend to the unqualified repeal of every law which affects their civil disabilities. We are not concerned with a question of religious toleration, which they already enjoy to its full extent; they can exercise their religious worship, and publish their religious opinions, without reproach or interruption from the members of the Establishment; they may educate their children without reserve in their own opinions, and have even the benefit of an extensive seminary supported at the public expense. But they now require a participation of political power *in all respects equal* with that, which is enjoyed by the members of the Establishment. Now, if this equal participation be granted to those, who profess the Romish religion, the same equal participation must *a fortiori* be granted to the Protestant Dissenters. But when the making and the administering of the laws in this country shall be equally extended to *all* religious parties, it is easy to foresee, that the honors and emoluments, which are now exclusively enjoyed by the ministers of the established Church, but which *all* parties are equally *desirous* of obtaining, would then be *demanded* by all parties; and, as those demands would then be urged by the weight of political power, we should no longer be able to resist." The established Church therefore would fall: for, as Dr. Paley observes in his chapter on Religious Establishments, "If the provision which the laws assign to

the support of religion, be extended to *various* sects and denominations of Christians, there exists no *national* religion, or established Church." Whether any *other* national religion, or *what* national religion, would finally arise out of such a political and ecclesiastical Chaos, it is unnecessary at present to examine. It is sufficient to know, that the *present* Establishment would be destroyed,

Cambridge,

Jan. 20, 1812.

REPORT

OF THE

Committee of Correspondence

OF THE

EAST INDIA COMPANY,

ON THE CLAIMS OF THE OUTPORTS, WITH A LETTER FROM
THE CHAIRMAN AND DEPUTY, TO THE

EARL of BUCKINGHAMSHIRE,

TRANSMITTING THE SAID REPORT FOR HIS LORDSHIP'S
INFORMATION.

Printed exclusively, for the

PROPRIETORS OF EAST INDIA STOCK,

AND

NOW FIRST PUBLISHED BY PERMISSION.

REPORT, &c.

THE President of the India Board having, in his recent letter of the 14th January, referred the Court to the petitions presented to Parliament in the course of last session, from the merchants and manufacturers connected with the Outports, for fuller information than had been then imparted to the Court, concerning the representations which had induced his Majesty's Ministers to be of opinion, that the import trade from the East Indies should not be confined to the port of London, your Committee determined on examining those petitions, as they stand recorded in the votes of the House of Commons. But, in going into this task, your Committee found, that it involved a review of all the petitions lately preferred against a renewal of the Company's charter, because the arguments in favor of the Outports were interspersed through them. The whole of those petitions have, therefore, been perused; and one remark which immediately presents itself on that perusal, —a remark intitled, in the opinion of your Committee, to particular attention,—is, that those arguments in behalf of the Outports are, in a very material degree, the arguments which are directly urged for the abolition of the whole of the Company's exclusive commercial privileges; and the claims of the Outports are contended for, as a part of the entire freedom in the eastern trade, which is demanded for all the subjects of the empire. The places, especially, which are strictly Outports, proceed in their petitions

upon principles which arraign every species and degree of monopoly; and it is chiefly from those principles that they deduce, as a consequence, the right of the Outports to a free participation in Indian imports. But as, in the deliberate and just opinion of his Majesty's Ministers, those principles and arguments are not valid for the main claims of the petitioners, it is to be presumed, that neither can they, in the same opinion, be valid for the subordinate claim of the Outports, so far as it is rested on the same foundation, which, however, are the foundations built on by the generality of the petitions. The few remaining arguments on this question, relate, principally, to the facility and certainty with which the revenue may be collected at the Outports, and to the safety with which the honourable men, composing the commercial class of this country, may be admitted to all the settlements and countries of the east. But these are mere assertions of opinion, to be classed with the "untried theories" of the time, and, as far as the light of experience goes, opposed by it. If they were even proved, which they are in no degree, they would not, by any means, satisfy all the great interests abroad and at home, which are involved in the question of the Outports; and therefore your Committee are entirely at a loss to discover, how the arguments in favor of those ports, as they stand in the petitions to Parliament, resting chiefly on principles which his Majesty's Government do not admit, have so presented themselves to the Ministers, as, in their view, "to establish a claim against an absolute restriction of the import trade to the port of London;" or how, from the *ex-parte* representations of those petitions, which proceed on the demand of an entire liberty of trade to India and China, a demand resisted by his Majesty's Government, any clear definite idea is to be obtained of that degree of "liberty of trade, which the merchants may enjoy, without injury to other important national interests." And hence your Committee humbly conceive, that this problem, so important in its nature, namely, the measure of further liberty which may be safely granted, still remains to be solved, and requires deliberate and accurate investigation.

These remarks may, perhaps, receive some confirmation, from the succinct view which your Committee, enlarging somewhat their first design, are now about to submit, of the principal matters contained in the petitions for the abolition of the Company's commer-

cial privileges, and of the answers to which they are obviously liable. Although the same allegations, which are thus urged, have often been combated, it may be proper, on account of the channel in which they now come forward, and of the publicity of the present discussion, to give some distinct reply to them, which will, at least, further evince the disposition of the Court to shrink from no charge, and to shun no inquiry.

All the material objections which appear in those petitions to the renewal of the Company's Charter, may be comprised under the following heads:

1st. That commercial monopolies, especially if extensive and long continued, are, in their nature, and according to the experience of past ages, inexpedient, impolitic, and unjust; and that the monopoly of a joint stock company must be managed with negligence, waste, and prodigality, unlikely to be practised by private merchants. (Some of the petitions admit that monopolies may be tolerated in the beginnings of trade.)

2d. That the monopoly of the East India Company has been injurious to the nation, great evils having resulted from it: that it is inadequate to an extended trade; has locked up national capital; has retarded improvement; has not advanced trade, nor carried it to many countries within the Company's limits: that it cools the ardor of generous and liberal competition; has deprived the woollen manufactures of Gloucester, Wiltshire, Exeter, Shrewsbury, and the manufacturers of other places; some, of supplying an immense population; others, of preparing articles for China, on lower terms than the Company allow; others, of carrying on trade with India and the countries north of it; others, of receiving orders, infinitely beyond what they now obtain from the East-India Company: that it is (particularly in the opinion of the Staffordshire potters) unfavorable to the introduction of new articles: that its exports to the east do not amount to a fifth of the exports of this country to America: that all ideas of participation in the profits of a monopoly trade, by payment into the exchequer, ever will be vain and illusory; of which the disappointment of the nation, in regard to the Company, is a complete illustration: that the intention of opening the trade will be frustrated, by leaving the Company any control over private trade: that it is proved, by undenia-

ble documents, that if the trade be allowed to remain under its present restrictions, it will languish, decay, and pass into the hands of other states : that it must, if continued, *diminish* the sources of private wealth and national revenue :—that the reasonings in favor of the monopoly proceed from narrow partial views, have been demonstrated fallacious, and will apply equally to every other branch of British commerce : that it is humiliating to individuals, degrading to the national character, and a national grievance.

3d. That, notwithstanding the *increase* of the Company's territories, their trade has *decreased*, though protected from enemies and hostile rivalry : that, since the renewal of the Charter in 1793, they have added greatly to their debt : that the pecuniary participation held out to the country in 1793, has not been realized, but has been converted by the East India Company into repeated claims on the public purse and credit, for enormous sums to support their establishments ; and that further and still greater pecuniary assistance is now required, to avert embarrassments, in which they may be soon involved.

4th. That a full and free right to trade to and with all countries and people in amity with his Majesty, and more particularly those countries *acquired and maintained by the efforts and valor of the forces of his Majesty*, is naturally the undoubted birthright and inheritance of the people of this empire, of every subject of it, and every port in it ; and that the unrestrained exercise of that right is essentially necessary to the maintenance of the manufacturers, and prosperity of the commerce of this country : that the confinement of the eastern trade to the port of London would be a violation of that right, at once unnecessary, unjust, and impolitic : unnecessary, because the duties may be collected with greater ease and less loss by pilferage in the Outports, the taxes on West Indian and American produce being now collected with known safety : unjust, because every mercantile place in the United Kingdom is entitled to the same privileges : and impolitic, because the superior economy and dispatch that prevail in the Outports, are requisite to secure an equality with foreign nations. In these claims for the Outports, there is a general concurrence in the petitions from Plymouth, Glasgow, Paisly, Dundee, Arbroath, Leith, Edinburgh, Belfast, Bristol, Liverpool, and Hull ; of which three last-mentioned places,

Bristol and Liverpool state, that they have, in contemplation of the opening of the trade to India, enlarged their docks; and Hull, that there should be no restraint as to the size of vessels to be admitted into the Indian trade.

5th. That no satisfactory reason can be assigned, why the trade to China should not be opened: that the difficulty apprehended in collecting the tea-duties is ideal: that the British character forbids injurious suspicions; as to inconveniences in India and China from opening the trade: that, in the avowed opinion of one set of petitioners, the merchants of this country should be allowed to trade directly from the East to the British West-Indies; and another set claim, that the products of the East shall, without being first landed in this kingdom, be transported to the British West-Indies, the American colonies, and all other countries south of Cape Finisterre, and within the Mediterranean.

6th. That the existing monopoly has, contrary to reason and justice, led to a singular peculiarity,—the concession of privileges to foreign nations, in amity with his Majesty, which are rigorously denied to merchants of the British empire; or, according to others, that the trade is open to *all the world* except British merchants: that the American States have long enjoyed this trade, at the expense of our own people, employing British capital, and compelling the Company to shrink from competition: that they have engrossed a great part of this trade, and also of that to China, which the Company formerly possessed: that the American merchants, being unfettered, have undersold the Company in the markets of Europe, have deprived them of those markets, and also the markets of South America, the West-Indies, the Mediterranean, and Malta, whilst the English trade has become less extensive and profitable: that the example of the citizens of the United States, who have evinced the superiority of individual industry, when opposed to the negligence and prodigality of a joint-stock company, and the delays and abuses of their concerns, proves the competency of British individuals to carry on an extensive commerce to the East-Indies, China, and other countries within the Charter of the Company: that the monopoly is favorable to foreigners, injurious to British subjects, and its abolition necessary, to enable British merchants to meet neutrals, and other foreigners, in fair competition with the

products of the east in their own markets; or at least, according to others, that British subjects should be put on a footing with foreigners in this trade.

7th. That the distresses and privations of the manufacturing and trading classes. (distresses aggravated, say some, by the monopoly of the East India Company,) under the continental system of Buonaparte, the disputes with America, the exclusion from usual markets, the stagnation or decline of trade, are grievous:—that the mercantile, manufacturing, and shipping interests, all suffer:—that the country is burthened with great naval and military establishments:—and that, under such hardships, pressures, and exclusions, every possible relief is wanted, and new sources of trade ought to be looked for; and that, on account of the existing war, and for the maintenance of our naval superiority, and the preservation of our commercial, maritime, and financial interests, an open trade is necessary.

8th. That it is a well ascertained fact, that during the time of the Protectorate, there were men who boldly violated the Company's Charter, and carried on the trade with such success, that they were able to sell the commodities of the East in the different markets of Europe, on lower terms than had ever been known; and, at this day, individual merchants have traded to India with profit, even under all the difficulties, delays, and taxes imposed upon them by the Company:—that the private trade has continued to increase, although fettered with many restrictions; but that these restrictions deter people, unacquainted with India, and residing at home, from engaging in the trade:—that a free trade to the East would be a measure admirably calculated for removing present evils, would be a substitute for the loss of European commerce, an equivalent for all other markets, and would necessarily open new and extensive markets; a field greater than any other country offers, and beyond the grasp of the enemy; a field to British skill, industry, and enterprize, and to capital, otherwise useless, whilst the national resources are stunted:—that thousands, who are now reduced to idleness and poverty, might be actively engaged:—that the capital, spirit, and knowledge of British merchants, are unbounded:—that a free trade to India would turn the wealth acquired by the foreign merchant into the

pockets of the subjects of this country; would excite a fair emulation to bring all the produce of the east to its proper level in the home market, to the great benefit of this country; would enable our manufacturers, with more advantage, to exert their skill and industry to produce new articles of trade, and to give full employment to the operative classes of the community; would circulate the trade, now confined to London, through every part of the United Kingdom; would be the means of increasing our maritime strength, our financial resources, and the wealth and glory of the British Empire. Such is the general tenor of the petitions on this head; but the language of the one from Sheffield is so animated and sanguine, that it may not be improper to transcribe a part of it. "The petitioners are fully persuaded, if the trade to the East-Indies were thrown open to all His Majesty's subjects, such new and abundant markets would be discovered and established, as would enable them to set at defiance every effort to injure them, by that sworn enemy to their prosperity and the peace of Europe, the present unprincipled ruler of France; and that the petitioners doubt not, if the trade of this United Kingdom were permitted to flow unimpeded over those extensive, luxuriant, and opulent regions, though it might, in the outset, like a torrent repressed and swollen by obstruction, when its sluices were first opened, break forth with uncontrollable impetuosity, deluging, instead of supplying the district before it, yet that very violence, which, at the beginning, might be partially injurious, would, in the issue, prove highly and permanently beneficial; no part being unvisited, the waters of commerce, that spread over the face of the land, as they subsided, would wear themselves channels, through which they might continue to flow ever afterwards, in regular and fertilizing streams; and that, to the wealthy, enterprising, honorable, and indefatigable British merchant, conducting in person his own concerns, no obstacle would prove insurmountable, no prejudice invincible, no difficulty disheartening: wants, where he found them, he would supply; where they did not exist, he would create them, by affording the means of gratification."

9th. That the imagined hardship of depriving the Company of the only lucrative branch of their trade, that to China, will be

alleviated by the wealth, influence, knowledge, and experience, which, in their united capacity, they will still be enabled to oppose to the unassisted efforts of private merchants:—that if, indeed, the Company can carry on trade to greater advantage than the private merchant, they have nothing to fear; they will reap their merited reward by the benefit of competition; and without competition, neither would commerce have risen to its present standard, nor will it increase to bear the increasing expenses of the nation:—And with respect to the danger of excessive speculation, it is said by Glasgow to be imaginary, because the enterprize of individuals is uniformly limited by their means and success; because any evil of this nature is temporary, and checks itself; and that, *the very worst that can occur, in the event of the abandonment of the trade by the public, would be, that matters would again return to their present state.* On all the grounds, therefore, stated in the petitions, they in general require a full and entire freedom of trade to the Eastward of the Cape of Good Hope, including China, and all the countries within the Charter of the East-India Company; and, for the means of indemnifying or remunerating the claims of the Company, one petition proposes, “*a fair and equal impost on the trade in question.*”

Your Committee having thus submitted an abstract, under different heads, of the contents of the petitions, in which abstract, they are persuaded, nothing material is omitted, will now proceed to offer some observations on each of those heads.

And first,—With regard to the doctrine of monopolies in general, your Committee do not conceive, that they are much called upon to enter into any discussion of it; because, what is termed the monopoly of the East-India Company is, as it now exists and has long existed, an institution of a singular nature, formed upon principles peculiar to itself, not merely or chiefly for the purposes of trade, and must be examined with reference to the ends of its institution, and the importance of those ends, which will be the subject of the next article. In the mean time, it may be observed upon this first head, that the ablest writers on political economy, and the most strenuous against monopolies, have not condemned them simply and univer-

sally, as most of the petitions now in question do. Even Dr. Adam Smith acquiesces in the establishment of the chartered Banks of England and Scotland, which are a species of monopoly; and he praises the Act of Navigation, which is founded on the principle of exclusive privilege. He admits, also, the propriety of a temporary monopoly of new machines and new books; and what is more immediately to the present purpose, he grants, in agreement with Montesquieu and others, as some of the petitioners seem also candidly to allow, that "when a company of merchants (to use his own words) undertake, at their own risk and expense, to establish a new trade with some remote and barbarous nation, it may not be unreasonable to incorporate them into a joint stock company, and to grant them a monopoly, in case of their success, for a certain number of years. It is the easiest and most natural way in which a State can recompense them for hazarding a dangerous and expensive experiment, of which the public is afterwards to reap the benefit." But, even in this proposition, it may be observed, that the interests of the two parties, the company of merchants and the public, seem scarcely to be equally cared for. The privilege given by the State is a privilege for its own benefit, which is to cost it nothing should the experiment fail; and of which it is to enjoy the permanent advantage, if the experiment succeed. It is safe from loss; and besides its share of what present advantage there may be, is to have ultimately the fee-simple of all the gain that may result. Undoubtedly, in this case, the term of enjoyment by the merchants, after all the season of hazard and vicissitude is past, should be ample; and it were to be wished, that those who are now so eager to take gratuitous possession of all the commercial establishments, formed at such immense risks and expense by the East-India Company, would consider more equitably than the language of their petitions does, the fair claims of a body, even if regarded merely in a commercial light, who have hitherto been working through a long series of time, of difficulties, and dangers, to the vast benefit of the nation, whilst their own fair compensation yet remains to be obtained.

Secondly.—With respect to that species of exclusive privilege,

called the East-India Company's monopoly, your Committee cannot begin their remarks upon the accusations brought against it; without lamenting the surprising want of information which the generality of the petitioners discover, relative to the Company's system, conduct, and affairs; and, your Committee are compelled to add, a mortifying defect of attention, also, regarding things that could not possibly be unknown to the petitioners. They treat the whole question of the monopoly, as if it were purely a commercial question; as if it involved no high question of policy; as if it stood unconnected with the acquisition, the government, and the preservation of a great Indian empire; and as if, from its political relations, the question concerning it had no bearing on the British constitution. Thus, say some of the petitioners, "the reasonings in favor of the monopoly proceed from narrow partial views, demonstrated to be fallacious, and which will apply equally to every other branch of British commerce;" whereas it is abundantly obvious, that the exclusive commercial privileges enjoyed by the Company in the Indian trade (however well entitled they are to them on other accounts) are contended for by them, and have been continued by the Legislature, mainly because deemed to be necessary for the political government of India, and not at all on account of any pecuniary participation, which one of the petitions erroneously assumes to be now in question. The same cause also was understood to require the continuance of the China monopoly, though that privilege stands upon other irrefragable grounds, as the unlimited admission of British ships into any quarter of the eastern seas could not be thought compatible with the system adopted for the security of our eastern territorial possessions. The commercial monopoly therefore is, in a word, an instrument in the hands of the Company, for the political government of India. Such it has been maintained by them, and admitted by ministers, in the discussions respecting the Charter, to be; but this great truth, either as a fact or as a principle, is unnoticed in the petitions. Some of the petitioners are, indeed, so just as to recollect, that the India Company have territorial rights, and to say that it is not their wish to trench on them; but they do not seem to be aware, that those rights can be enjoyed only through the

medium of commercial privileges, or that any provision can be made for securing them, compatibly with their own claims for an universal opening of the eastern trade. The petitioners proceed, not only as if the renewal of the privileges in the Indian trade were merely a question of commerce, but as if it were a question of strict monopoly, such as was agitated in King William's time. To the admission given to private merchants into the Indian trade by the act of 1793, enlarged by the arrangement of 1802, and in practice occasionally still further extended (not to speak of the considerable privileges enjoyed by the commanders and officers of the Company's ships) the petitioners do not advert, except to blame the Company for the alleged inefficiency of all those concessions, which, in reality, greatly relaxed the monopoly, and made it what the late Lord Melville called a regulated, or qualified monopoly. In thus censuring the Company, the petitioners resort to some representations formerly brought against them, and sufficiently answered on their part; except in respect to the irregular dispatch of the extra ships from India, a matter originating with the governments there from the political circumstances of the times: but that controversy is now past, and quite irrelevant to the present state of things; for another point to be held up to particular attention is, that the Company have lately acquiesced in vastly larger concessions, that is, in a general trade between the United Kingdom and India, through the port of London. Yet this new and great change in the Indian system, the petitioners too generally overlook. That it has ever attracted their notice, is only to be inferred from their contending, that the trade shall be general to all the ports of the kingdom; but in their attacks upon the Company, they act as if the whole original structure of the monopoly were still standing and obstinately defended, and when the Company acquiesce in large relaxations, the petitioners nevertheless persist in charging them with all the evils of the most rigid monopoly, for the purpose, as it would seem, of aggravating the case against the Company in the eyes of Parliament and of the public, and strengthening the prejudices, which so much pains have been taken to diffuse. Thus the political part of the Company's system, and its intimate connexion with the commerce, is left entirely out of sight; and

the present state of the Company's commercial privileges is not accurately represented, nor the actual state of the question, concerning the future measure of those privileges, fairly brought into view.

But it ought to be again and again pressed upon the public attention, that the first and great object, in any new arrangement for India, is not commercial, but political; and that the safe and beneficial administration of that empire is a consideration paramount to all others. No one has denied, either that the Company have conducted, and do conduct the administration, to the great improvement of the security and happiness of the vast population that empire contains; or that the government of it should remain with them, and consequently that the means requisite to enable them to continue to execute so great a trust, should also be afforded. The nature and extent of those means form, therefore, the precise question now at issue: but on this important point, as has been already intimated, the petitions in general are quite silent, and the propositions contained in them go to deprive the Company wholly of those means, particularly the monopoly of the China trade, the reasons for continuing which will be explained in a subsequent head.

With regard to the effects of the monopoly on the manufactures, trade, and other interests of this country, if any thing said in these days to the discredit of the Company could occasion surprise, it would be the representations given in the petitions on that head. The Company are accused of obstructing the export of the manufactures of this country, even by some (with an honorable exception of the rest) of those woollen manufacturers, who have owed their chief employment to the Company's commissions, continued for the benefit of the nation, under a certainty of deriving no profit from the exported article.

Of those "undeniable documents," by which one of the petitions, in an authoritative style, affirms, "it is proved, that if the trade be allowed to remain under its present restrictions, it will languish, decay, and pass into the hands of other states; that the monopoly must, if continued, diminish the resources of private wealth and of national revenue;" your Committee have never heard, and they cannot conceive, that any such documents exist.

It is more probable, that the Petitioners have put their own sense upon the statements of the Company, which furnish the most authentic materials in this case, and, if fairly examined, with a reference to other relative circumstances, will lead to conclusions directly opposite. The subject of the American trade to India, which seems chiefly alluded to, will be discussed in the sequel. That trade, as will hereafter more fully appear, has owed its increase essentially to the state of war, in which this nation has been placed for a long series of years past. If the American trade with India were still going on, a much easier and juster remedy for the alleged evils of it could be found, than the extinction of the Company's remaining commercial privileges. But these heavy forebodings are pronounced, when America, and every European nation (the distressed one of Portugal excepted) are actually wholly excluded from the Indian Seas.

There seems to be a general and deplorable delusion, respecting the practicability of a vast extension of the sale of the manufactures of this country in India and China, and of the productions of those countries here. This question will be the immediate subject of a following article; but your Committee may, in the mean time, confidently say, that the Company have, in a long course of years, made more numerous, persevering, costly, experiments, in attempting to push the vent of British commodities, particularly woollens and metals, in the East, than the means, the resources, the safety of private merchants, are likely to enable them to make. The correspondence of the Company with their servants abroad, at different periods, on this interesting concern, would fill many volumes. That the East India Company, far from impeding the prosperity of the country, as the petitions, in opposition to history and experience, allege; have, by means of their monopoly, essentially contributed to its wealth and its greatness, it will be much more easy to show, than to discover, accurately, where the limit of the advantages resulting from their institution is to be fixed. They gave a very early impulse to the manufactures and trade of this country. They opened a new commerce, not with the East only, but, by means of their returns from thence, with foreign Europe. They soon increased the ship-building, and improved the navigation of the kingdom; both

which they have, in latter times, carried to a degree of advancement, that has made their fleets serviceable in the wars of the nation, and the commanders successful, in adding to the naval glory of their country. Against the jealous rivalry of the Portuguese and Dutch, they, through a long course of hostilities from a superior force, maintained for this nation a share in the India trade; they preserved it from being totally lost, amidst all the convulsions of the civil wars; they outlived, even the more dangerous innovations of subsequent periods; they upheld, in India, the national interests, against the ambitious designs of European enemies, and the despotic violence of native powers; and, in a long and arduous struggle, maintained, with little exception, at their own expense, they acquired a territorial empire for the mother country, which exalted its rank in the scale of nations. They have since expelled every European nation, except our ally of Portugal, from the Indian Continent and Ocean; and they have given a better government to an immensely extended empire, than the East ever saw before.

In all this progress, not the ability and wisdom of their civil servants only have been conspicuous, but the talents and valor of their military officers have signally added to the glory and renown of the British nation. By those officers a grand army has been formed of native troops, in discipline, attachment, and efficiency, a just subject of admiration; and from the time of the first Clive downward, the exploits performed by the Company's military servants in India equal, in brilliancy, those recorded in any period of modern history.

To all these public benefits is to be added the direct wealth, with which the Company have been the means of enriching the nation. The amount of these contributions, consisting in the profits of manufacturers, ship-builders and tradesmen, ship-owners and officers, servants and laborers, miners, re-exporters of Eastern productions to foreign parts, and other descriptions of persons gaining by the Company's trade, in dividends to proprietors, payments to Government, and the influx of private fortunes acquired in India, especially in the last fifty-five years, may perhaps be moderately estimated at one hundred millions sterling. Such are

the injuries, the grievances, the evils, such the degradation, which the East-India Company have brought on the country.

Thirdly.—The charges under the third head are nothing more than groundless accusations, calculated to render the Company unpopular; and, except the first article, which is new, have been often answered. As to this article, it is not true that, on the whole, the Company's imports have decreased, although the sales have, in some years, fallen off, by the exclusion of British commodities from the European continent; an evil common to all the merchants of this country, but now the occasion of a charge against the Company. And what virtue can the expulsion of enemies and rivals from the Indian Seas have to increase trade, if, when merchandise is brought to Europe, there is only a tardy and diminished sale for it? Again, is it a thing of course, that recently acquired provinces, impoverished, unsettled, containing a people every way dissimilar to us, should purchase our commodities, when the inhabitants of other parts of Hindostan, where we have been settled for ages, have still so little relish for them? The stipulation in the Act of 1793, for a pecuniary participation by the public, was a conditional stipulation, depending on a contingency, which has never become a reality, but in one year, that immediately following the last renewal of the Charter. The long war, in which, with hardly any intermission, this country has been engaged, ever since 1793, has, by increasing the Company's expenses, beyond the most extravagant supposition that could have been previously formed on that head, absorbed all the expected sources of accumulation. Of this, every administration since 1794 has been sensible; but the same utterly groundless charge continues to be repeated. This "promised participation," say some of the petitions, "has been converted by the Company into repeated claims on the public purse and credit for enormous sums, to support their establishments:" a most unfounded statement. The Company have never had occasion to apply for aid to support their establishments; their applications to Parliament have either been in consequence of levies by Government on the score of participation in the territorial revenues, or for re-imbursement of immense sums expended for the state in military expeditions, sums very tardily acknowledged, and not yet fully paid: or to enable the Company to

meet the transfer of Indian territorial debt to this country; a debt not increased by their order, or according to their wish, though the petitioners charge the increase to them, but sanctioned by His Majesty's Government and by Parliament; a debt which, every intelligent person knows, it never was, or can be possible, in the nature of things, to discharge out of the Company's commercial funds, and therefore most unjustly made a ground of accusation against them.

Fourthly.—The claim to a full and free trade, as the right, by birth and inheritance, of every subject of this realm, and the arguments in favor of extending it to the Outports, are contained under the fourth head.

With regard to the general position on which the arguments are founded, little need be said. It is an obvious principle, that men, living in society, must submit to the laws of the society, and to restraints upon their natural liberty, when the public interest, in the opinion of the legislative authority, requires it. The Indian monopoly was at first established, because it was thought beneficial to the commercial interests of the country. It was long continued on the same principle: now it is more a political than a commercial question. It may be stated thus: Whether it be more for the interest of the nation, to maintain the Indian empire under the system which has hitherto preserved and improved it,—a system greatly relaxed as to the trade with India, and which has also preserved a lucrative commercial intercourse with China,—or to adopt a system of entirely free commercial communication with both countries, at the hazard of losing that empire and the China trade, or of rendering the tranquillity and retention of the one, and the enjoyment of the other, less secure? Until this question, or one reduced to still lower terms, namely, Whether it would be prudent, for the sake of the object in view, to run any hazard, where the stake is so great? is solved in favor of an open trade; the plea of natural inherent right has no title to be heard. No such solution has yet been produced. It has, on the contrary, been shown, that dangers and disadvantages, both in the East and at home, would attend the opening of the trade; but it has not been shown, that any measures, which have been suggested as preventatives, would be at all effectual. No adequate provision,

therefore, against those dangers and disadvantages is yet proposed; hence, it may fairly be presumed, none has been found. But, until such a remedy is discovered, the present system ought not to be overturned. The opening of the Outports would, according to the unanswered reasonings of the Court, have this effect. The opening of a part of the Outports would lead to the same effect, though perhaps by a somewhat slower progress; for it would immediately reduce and derange the periodical public sales of the Company, which is the master-wheel in the mechanism of their import trade. His Majesty's Ministers, in not proposing to open all the Outports, both admit the contingency of danger from such a measure, and set aside the argument of universal inherent right; but it remains utterly unproved, that danger would not result from opening even a few Outports, especially if the export trade is allowed to all; and that, after any had been so privileged, which would be in effect a monopoly against the rest, those others would ever be quiet, until they also were admitted: so that the whole of the danger will follow from the first step, and ought to be contemplated accordingly. It may just be observed, that the quality ascribed to certain countries, as giving the petitioners more particularly a right to a free trade with them, the quality of having been "acquired and maintained by the efforts and valor of the forces of His Majesty," properly appertains neither to Hindostan nor to China, and that the territories held by the Company were acquired under exclusive powers and privileges received from the Legislature.

Upon the same ground of natural inherent right, and of the necessity of the exercise of that right, as essential to the maintenance of the manufactures and commercial prosperity of the country, is placed the claim of the Outports to a free importation of goods from India and China. Under the fourth head, therefore, your Committee have collected the strength of the arguments contained in the petitions in support of this claim; arguments to which the President of the India Board was pleased to refer the Court. The argument of inherent right has been already considered: the other arguments, which may be given in the words of the Glasgow petition are, "that the confinement of the Indian imports to the port of London would be unnecessary, impolitic, and unjust:—anne-

cessary, because, first, the ideal difficulty of collecting the taxes is fully obviated, by the known safety with which the duties are levied on articles of West-Indian and American produce; and secondly, because the duties may be collected with greater ease, and less loss from pilferage, in the Outports: unjust, because every mercantile place in the kingdom is entitled to the same privileges: and impolitic, because the superior economy and dispatch that prevail at the Outports, are requisite to secure an equality with foreign nations."

On the second of these three arguments it may be observed, that the claim of all the Outports to a participation in the Indian trade, as matter of equal right, stands upon the same principle as the claim of all individuals, which has just been considered, and must be determined in the same way and order; it therefore demands no farther notice here. If it shall be judged, that no larger interest than that of the Outports opposes their claim, then, and then only, will it be entitled to attention.

The first argument is, the known safety, and greater facility, with which duties are collected at the Outports. Whether that facility be, in fact, greater or not, it is needless to examine. If it were indeed so, it would still leave undecided a much more important question,—the danger of smuggling. On that danger the Court have enlarged, in their letters to the President of the India Board, of 13th January 1809, and 15th and 29th of April, 1812. Your Committee cannot but hope, that these letters will be perused by Members of Parliament, as their contents are material to a just consideration of the subject. The Court have respectfully stated to Lord Buckinghamshire, that no adequate answer has been given to these letters; his Lordship, in addition to what he has himself said, has referred the Court to the petitions. The argument just quoted is the most direct, and indeed the only one to the point, which your Committee have discovered in all the petitions. But it does not meet the main objections of the Court, taken from the dangers of smuggling: they remain untouched and unnoticed. Those dangers were contemplated, upon the supposition that only the opening of the Indian trade was in question; and in this way your Committee will now consider them, reserving to a future article some remarks on the still greater danger of

smuggling which would follow, if the China monopoly were abolished, and which would be experienced, whilst our merchants were permitted to visit China at all. It is from the facilities of smuggling tea, that ships cleared out for, or from India, would find in the Eastern Islands, in the voyage home, and on the coasts of Scotland and Ireland, that the Court have apprehended the chief dangers would arise. In the Eastern Islands there are no custom-houses, clearances, manifests. There are great ranges of coasts in the remoter parts of the United Kingdom where there is no custom-house: bulk might be broken, and no detection follow where the ship should afterwards be regularly entered. It does not in the least follow, that these evils might not happen, though it should be true, that the taxes on West-Indian and American commodities are safely collected; for these commodities come generally in very large unwieldy casks or packages, are, in proportion to their bulk, of much less value than tea, which is also packed in small portable cases, and they come from countries abounding with regular custom-houses, whence they cannot sail without manifests and clearances: yet, with all these safeguards, your Committee are credibly informed, that the Americans find means to smuggle tea into this country. But, even supposing ships came direct to an Outport, without having broken bulk, what comparison is there between the collection of duties at any port, provincial or metropolitan, and the collection of tea duties with perfect certainty, facility, and a very trifling expense, at the India-House? The objections stated at large in the Court's letters, your Committee beg leave to repeat, remain without any sound answer; and it is extremely material to observe, that the opinions maintained in them, on this subject, are corroborated, by the reports which the Boards of Customs and Excise have made to His Majesty's Ministers, respecting the danger that would arise to the revenue, from the adoption of the new system: a danger which, in their judgment, would be inevitable.

The third argument urged in the petitions is taken from the necessity of securing an equality with foreign nations, which, it is said, the superior economy and dispatch at the Outports will do. If this alleged advantage of the Outports were admitted, it would, in the opinion of your Committee, weigh but little in the general

question. The difference cannot be material in itself, and its effect little, in a trade so unlikely to become of any magnitude.

There are, however, other considerations of great weight belonging to the question of opening the Outports, to which the petitions do not advert. One of these is, the immense interests which the port of London, with all its descriptions of merchants, tradesmen, tea-dealers, factors, brokers, dyers, packers, cafendriers, inspectors, laborers, ship-builders, ship-chandlers, rope-makers, ship-owners, mariners, and all their train of establishments, warehouses, wharfs, docks, yards, premises, shipping, formed in the course of two centuries, in which the Company's privilege, and the law of the land, have made the metropolis the sole seat of the Eastern commerce: all these interests, with the Corporation of London, have represented to Parliament, the ruin in which they would be involved by the opening of the trade to the Outports. The Company's periodical public sales, on which so much of the order and success of their business depend, would be interfered with, and their very large property in warehouses and other buildings deteriorated: in short, all the institutions, public and private, of the capital, for carrying on the eastern trade, would be shattered or broken down. The removal of the trade would effect this, although the new speculations and enterprises would establish nothing equivalent in other places; far less compensate the losses of the supplanted parties. Your Committee cannot go into this subject, sufficiently to give a just sense of the magnitude and importance of it; but they may seriously ask,—is the case equal between the people of London and those of the Outports? Would it be right to expose to privation and ruin one set, by withdrawing from them what they have long enjoyed, in order to add to the comfortable provision the other set already possess; and this only to save them the slight inconvenience of bringing their Indian imports to the port of London?

Let it never be forgotten, too, that the Indian people are concerned in this question. The Court have already, in their letters to Lord Melville and Lord Buckinghamshire, stated their apprehensions, that the opening of the outports to imports from India might increase the resort of European adventurers to India. It has been advanced, in return, from some quarters, that the police of

India is so excellent, as to obviate every danger of this kind. Your Committee are sorry to observe, that they find in the records of the Bengal Government, informations concerning the police, which do not warrant them to conclude quite so favorably of it; for, in fact, with all the progressive improvements in the system of the government there, they have not yet been able to bring the police into a state of perfect efficiency. The 12th Report of the Committee of the House of Commons has entered much into this subject, and one quotation from the conclusion of it may suffice to justify this observation: "It does not, therefore, appear to have been from any want of information, in regard to the imperfect state of the police, that the Government was unable to prevent its becoming worse, but rather, as your Committee should suppose, from the difficulties which presented themselves to the application of an efficacious remedy."

Fifthly,—on the China monopoly. Besides the connection already noticed of the China monopoly with the policy of our Indian system, the uniting of this trade under one head is necessary, both on account of the extreme caution required in the conduct of our intercourse with so jealous and inflexible a government as the Chinese, and of the security of the large revenue derived by the British public from this branch of commerce. The habits of the Chinese nation are known to be as fixed as they are peculiar. Their government is a pure despotism, jealous of the smallest tendency to insubordination or innovation: the people are guided by a principle of implicit submission to their superiors: and both government and people hold all disorderly conduct in the utmost abhorrence. Foreign trade is held in low estimation, and the commerce which Europeans have been permitted to carry on is subjected to manifold and rigorous restrictions, intended to prevent the intermixture of strangers with the natives, and to guard against their entrance into the interior of the country, and the hazard of their becoming, in any way, troublesome to the Government. The ships of European nations are allowed to resort to only one port in an empire of so vast extent; and there, even, no stranger is permitted a constant residence, without credentials from the sovereign of the state to which he belongs. When a factory is established, for which one spot is fixed, the factors are confined to

very narrow precincts around it; they dare not make an excursion beyond those precincts into the open fields, nor enter into the closely adjoining city of Canton. The government of China does not allow to its own subjects freedom of trade, or unrestrained intercourse with Foreigners:—both are interdicted; and the restrictions imposed, together with the sumptuary laws in force, oppose the strongest obstacles to any great extension of the sale of our manufactures among the Chinese. The trade with Europeans is given in monopoly to a company of ten or twelve Chinese merchants, styled the Hong; and these merchants become responsible to the government for the conduct of the foreigners with whom they deal. After the ships are dispatched for the season, the factors are obliged to withdraw to the island of Macao, a low Portuguese settlement, till the ships of next year arrive. And, with respect to the ships, they are, whilst in harbour, under the control of the Chinese officers, who are empowered by law to take the custody of their guns:—and if, in the intercourses, and consequent frays, between the natives and our English sailors, one of the former happens to meet his death, *by accident*, from an unknown hand, it may produce the most serious consequences; for the Chinese government has been known, in such a case, to claim the life of an European in expiation, and for an occurrence like this, the Company's establishment is held responsible, and their trade liable to be stopped. With a government so absolute, in requiring implicit conformity to its peculiar laws and usages, and so marked with pride, suspicion, and despotism, British subjects have the utmost difficulty to act; and the Company's agents frequently submit to caprices and humiliations, to which the honor of a sovereign would not allow any representative of his to yield. Is it, therefore, in the least probable, that the Chinese would tolerate the indiscriminate ingress of numberless unconnected, unaccredited Europeans? or, if they did give them admission, that their multiplied, irregular, desultory visits and intercourses with the natives, would not be attended with disorders, with violations of Chinese usages (with smuggling for instance, a high offence in China), which would soon end in the utter expulsion and exclusion of these strangers, or in such injustice and humiliating punishments, on the part of the Chinese Government, as might call on the honor of this

country to demand redress? The splendid embassy which His Majesty sent by Lord Macartney to the Emperor of China had, with all its imposing attendant circumstances, and all the skilful address of that nobleman, no influence to induce the Chinese Government to relax from their rigid restrictions on the commerce and intercourse of British subjects with its territories; and it may be safely concluded, that all which that Government must have since heard respecting the revolutions in Europe, will make it adhere still more obstinately to its jealous precautionary system. To all these probable dangers, the Petitioners oppose nothing but the honorable character of Britons, and the example of the American adventurers to China.—Frail dependence! British sailors carry to every shore their habits of excess, as is too often found in the Company's ships, notwithstanding the strict discipline established in them. The American seamen are a much more sober and quiet class of people, and the adventurers of that nation have derived in China, a sanction from the pre-establishment and credit of the English factory, to which, from their language and manners, they appeared to be related. It is, indeed, by the prudent, respectable conduct of the Company's representatives there, in the management of their own trust, and the control exercised by them over other British subjects; it is by this means, and by the extent and regularity of the Company's dealings; by their probity, now so famed, as to pass the bales which have their mark, without inspection, through the Chinese empire, that this jealous and suspicious people have been at length greatly conciliated:—but the Company's establishment could not, on the principles now proposed, retain either its credit or position. To expose a trade, of such value and importance to the nation and the revenue, to hazards so great; to break down the present system, with the immense establishments and property connected with it, particularly the China fleet of the Company—a thing unparalleled in the commercial annals of the world,—would, therefore, in every view, commercial, financial, and political, be utterly unwise: and if this desperate risk were run, further evils would await the new system at home. Upon the supposition of a general resort of British ships to China, how would it be possible to prevent the smuggling of tea on the coasts of England, Scotland, and Ireland, with the

facility which exists of receiving that article on board in many of the Eastern Islands, where there are no custom-houses, and with the temptation of evading a duty of ninety-five per cent at home? The petitions offer not the least satisfaction on this point; a point highly interesting, as has already appeared, if the question were only about opening the Indian trade to the Outports; but yet more interesting, in respect to the proposal for laying open the China trade, which is, at the best, a proposal to incur the most imminent risk of losing that trade, and the great revenue arising from it, merely in order to change the hands through which it shall pass; for, supposing it to be preserved to the nation, there is no reasonable ground to think that it could be increased, because the Chinese now *take our woollens only in barter* for tea, and the present importations of tea are as large as the country requires.

Sixthly.—On the complaints of the superior advantages enjoyed by neutrals, particularly the Americans, in the Indian trade. The vessels of the American States first appeared in the Indian Seas about the year 1785. At that time several European nations possessed settlements on the continent of India, in virtue of grants from the native sovereigns, recognised by this country, after the Company obtained territorial dominion. It had not then been disputed, that those settlements might receive other European flags, as well as their own (though the Company have, within these few years, properly held, that the original grant gave a right of trade only for the ships of the nation to whom the grant was made); therefore the Bengal Government thought it politic to admit the American ships into the British ports, rather than oblige them, by refusal, to carry their custom to the French, Dutch, and Danes. This was, however, merely a gratuitous licence, revocable at pleasure. But, in 1794, the Government of this country, induced by the political circumstances of the time, gave to the United States, by treaty, a right to a direct trade between their own ports and those of British India, on the terms of the most favored nation; and, in 1797, the privilege of free ingress to the British ports in India was conferred on all friendly nations. By the long continuance of the war which followed the French revolution, these con-

cessions proved of unforeseen high advantage to the subjects of the American States. The settlements on the Indian continent, of the French, and of the Dutch and Danes, who had fallen under French influence, were successively captured by the English. The Portuguese and Americans were then the only neutrals who frequented the Indian Seas; and the troubles of Portugal at length left the neutral trade very much in the hands of the Americans, who succeeded, in effect, to the excluded traders of foreign Europe, and supplied their wants, as well as those of the increasing population of the United States, and the demands of Spanish America. The subjects of those states, undoubtedly, abused the privileges conceded to them by His Majesty's Government, in the Indian trade. They were, by treaty, restricted to a direct trade between America and India; but they visited the ports of foreign Europe, going and returning, and became the general carriers. They even supplied our own West Indian and North American colonies with eastern commodities, and they entered actively into the China trade, deriving a facility of admission there from being viewed as a caste of Englishmen: perhaps also, a sanction, from the countenance of the British establishment there.

For several years after the appearance of the Americans in the Indian Seas, they were, no doubt, assisted by British capital; partly by that which wanted a remittance to Europe, but to no very great amount. They exported from Bengal in ten years, through which their trade, on the whole, was considerably progressive, and which ended with 1801-5, goods to the amount of Sicca Rupees 87,150,029 (£4,643,175), or £164,357 per annum; and they imported to the amount of Sicca Rupees 312,48,544 (£3,907,068), or £390,606 per annum. The excess of exports above the imports, being in ten years £737,507, or £73,750 per annum may be supposed to be the property of British residents in Bengal, remitted by the way of America. Whether they were furnished with British capital from London, and to what amount, it is difficult to ascertain; but it appears evident, that as they proceeded in the trade, their imports to Bengal more nearly equalled their exports, which shows they were better able to do without Indo-British assistance, and probably it was

the same as to European assistance.' Upon this trade, however offensive to our private merchants, and in some views also, to the Company, it may be justly observed, that it was favorable to British India. It carried seasonable and large supplies of bullion to that country from year to year: not above a seventh of its imports being in goods, and these chiefly wines and other articles for the consumption of Europeans. It also carried the commodities of India to foreign Europe, to Spanish America, and other places to which British ships, on account of the war, could have no access; and when, by the policy and increasing power of Buonaparte, the produce of this country and its colonies was nearly shut out from the Continent, the Americans still continued to introduce the commodities of India there, and with the returns of their adventures they probably purchased English manufactures to carry to the American continent: so that this country, also, eventually benefited by their Indian trade. And however much their large participation of that trade became a matter of complaint among English merchants connected with India, it is certain, that whilst we were engaged in war with almost all Europe, those merchants could not, even by circuitous means, have occupied the place which the Americans filled in the Indian commerce; of which position no other proof is necessary, than the frequent want of sales for the goods, public and private, actually brought into the India House, during the period in question. The great progress and profit made by the Americans in the Indian trade, therefore, proceed essentially, not from their activity, or the advantage of individual enterprise, but from their neutral character, which besides giving them access to countries, from which belligerents are shut out, ena-

* Other Averages of the American Trade with India, from Statements before your Committee, may also be here noted.

	In Six Years, from 1802-3 to 1807-8.			In Three Years, from 1808-9 to 1810-11.		
	Goods.	Bullion.	Total.	Goods.	Bullion.	Total.
	£.	£.	£.	£.	£.	£.
Imports into						
all India. . .	957,224	6,528,250	7,487,524	351,602	4,531,233	4,882,836
Exports ditto . .	6,901,269	25,696	6,926,965	5,107,818	9,625	5,117,443

bles them to navigate more cheaply, easily, and expeditiously : and it may be taken as a certainty, that whenever war ceases, all their advantages will cease with it, and their power of entering into competition with us, in the trade of our own settlements, be very greatly reduced. The cry that has been raised, and continued against the Company, on this account, confessedly with the view of obtaining a general admission of Indian ships into England, is therefore altogether unfair. If a circuitous trade in Indian commodities, from Britain to foreign parts, has been prevented by the rivalry of the Americans, the Company have suffered as well as individuals ; they have suffered, also, by the smuggling of eastern articles from America into our West Indian and North American colonies. They were anxious to check the abuses of the treaty of 1794, and when it expired, they obtained the consent of His Majesty's ministers to impose a double duty on the neutral trade with India, which then applied almost solely to the Americans ; but, if the complaints against the rivalry of the Americans in the Indian trade had been well founded, what was the natural and proper remedy ? Was it that the Company, part of whose own trade had, during the war, passed into American hands, should sacrifice the rest of their exclusive privileges, and, by the extinction of them, endanger the territorial possessions ? Or was it not, obviously, that the Americans should be excluded from a trade, supposed to be carried on at the expence of Great Britain ? Yet this cry is still unaccountably kept up, even when we are at war with America, and the flag of the United States dares not be seen in the Indian Seas ! Nay, it is kept up to injure the cause of the Company, after they have actually agreed on enlargements of the trade to England, greater than ever were contemplated, even by the private merchants of India, before the present negotiation ; and, if enlargements could effect the object, more than sufficient to bring the whole Indian trade of the Americans to the port of London.

It is singular, that the party who complain of the large share that has been engrossed by the Americans of the Indian trade, should be the same party who complain, also, of the large share which the Americans, in a state of neutrality, enjoyed of the British trade between Great Britain and foreign nations. It is well known, that previously to the rupture between England and the United

States, it was urged as a grievance, that though America exported from this country to the amount of twelve millions sterling annually, the country was *not* benefited to the utmost possible extent from this export trade, because the British merchants and manufacturers were, by the intervention of America, deprived of the carrying, and of the second selling profit upon the manufactures. America, it was alleged, bought from us to a great extent, and Great Britain was, to a certain degree, a gainer, to the extent of the American purchases; but, because America sold our goods at second hand (to the Spanish Americans for example) it has been alleged, that had it not been for the intervention of the North American States, we should have supplied Spanish America, and, in addition to the profits we have received, would have engrossed all the advantage which has accrued to the merchants of the United States from the carrying and circuitous trade. But may it not, on the other hand, be argued, that if the British manufacturers in an open trade, and during a state of war, have found the assistance of America necessary to the circulation of their own manufactures, the same assistance was wanted by the manufacturers of India to the circulation of their productions: that the large exports from India, as well as the large exports from Great Britain, by the Americans, were owing to their neutral character: that if the trade between India and England had been as open as is now contended for, the quantity of Indian goods, circulated through the world, could not have been greater than it has been, under the competition that has actually existed between the merchants of the United States and the East-India Company; and that a greater share in the export trade from India could only have been obtained from the free British traders in one of these ways, either by America abandoning, or Great Britain returning to, her pacific relations with other countries. If a free trade has the virtue that is imputed to it, why, under complete freedom of trade, has this country been rendered tributary to America for a vent to the produce of British industry? and, if the pacific relations of States pass for no account in such a question, whence the congratulations we so often hear, upon what we have gained, and may yet gain, by the rupture with America?

¹ The following statement, which has been received from an intelligent mer-

Seventhly. That the distresses of the manufacturers; the exclusion of our trade from the continent of Europe and from North

chant who resided a number of years in America, shows the advantages under which the trade of that country was carried on in a state of peace.

The advantages which Americans, as ship-owners, enjoyed in a state of neutrality, are obvious, not only from their free communication with belligerents, but from other causes.

Their first-rate vessels do not cost one half what those of the same tonnage, built in Britain, generally cost: hence, the capital employed is one half less, and one half the insurance is sufficient to cover the property at stake.

The premium of insurance on an American neutral, from Britain to America, was less than half what was given on an English vessel for the same voyage. On Americans the premium was from two, to two and a half per cent.: on English vessels from five to six per cent.

The countervailing duties in America, induced shippers always to give a preference to American vessels. Goods arriving in America, paid twelve and a half to fifteen per cent. duties; whilst the same goods, by a British vessel, not only paid the same rate of duty, but an additional ten per cent. on the amount of those duties, which is one and a quarter to one and a half per cent. increased duty.

The freight of goods from America to England, in American bottoms, was never, in the best times, higher than one shilling and six-pence per foot; and many times the whole freight of an homeward bound American of three hundred tons (that is to say, an American going from this country) could have been had for 300l. or 400l. The cargoes of three-fourths of Americans homeward consisted either of crates of ware, salt, or coals; which are well known to yield but a very small freight indeed, taking the whole difference betwixt the purchase and sale as freight.

The provisioning a ship in America, did not certainly cost more than one half that provisioning the same ship in Britain would have cost. Bread at 16s., beef, at 30s. to 36s., pork at 45s. to 50s., rum at 2s., I believe, will not be more than half the British prices for the same articles; and these were the current rates in 1800 to 1805.

Upon a calculation of all these advantages, it will be found that an American, in war time, could make a saving voyage from any of these ports to this country and home, when an English vessel would inevitably have brought her owner into debt; and that an American could actually import goods into the United States from this country, and sell them at their average wholesale importation profit to others, as low as a British merchant could send them to America in a British ship, and deliver them over to be trans-shipped, without any profit at all.

The American ships, being of a lighter construction than ours, sail with at least one-third fewer hands.

The following statement will better elucidate these remarks. An American, of 250 tons, is employed in a voyage to Britain and back. Her value, as a first rate vessel for that trade, is 2000l., and the voyage occupies five months. A ship of 250 tons would carry 3000 barrels of flour, at 9s. which was the ordinary freight.

The average freight	3000 barrels of flour at 9s.	£1,350
The average freight	hose of such vessels could not exceed,	600
		£1,950.

*America; its consequent great decline, and the support of the war, require new channels of enterprise, and therefore an open trade.

Every British heart must lament the obstructions to which our commerce has been subjected; must wish for the removal of all continental exclusions, as well as of our differences with America, and that commercial freedom and activity may be restored. It is also extremely desirable, that new sources of trade should be discovered; and natural for those who are now suffering under privations and hardships, to catch eagerly at the flattering prospects and promises, so confidently held out to them from opening the trade with the east. But can the Court of Directors, thoroughly convinced as they are, that all such expectations are groundless and delusive, that those who should act upon them, if the trade were opened, would be sure to experience ruinous loss and disappointment, and that the abolition of the Company's commercial privileges would be, in effect, the extinction of the whole of the present Indian system; can the Court, with these convictions, lend themselves to promote a dangerous deception, already too prevalent, at the sacrifice of so much individual interest, and of that public interest, the care of which is entrusted to them? If it were indeed probable that by a slow process, the commercial intercourse between this country and the east could be enlarged, the effect would be far too distant to relieve present pressures, and the first adventurers be more likely to plunge the trading world into fresh difficulties, as

<i>American Charges.</i>	<i>£. s. d.</i>	<i>British Charges.</i>	<i>£. s. d.</i>
Insurance out and home, 2000l.		Insurance out and home, vessel	
at 4½ per cent. - -	95 0 0	valued at 4000l. at 9 p. cent.	360 0 0
8 men, 5 months, at 5l. -	200 0 0	12 men, 5 months, at 5l. -	300 0 0
Captain and mate, 10l. each -	100 0 0	Captain and mate - -	100 0 0
2400 lbs. bread, at 16s. -	19 4 0	360 lbs. of bread for 14 people,	
Beef, 10 barrels, at 32s. -	16 0 0	5 months, at 32s. - -	57 12 0
Pork, 10 ditto, at 50s. -	25 0 0	15 barrels of beef, at 4l. -	60 0 0
150 gallons rum - -	16 17 0	15 ditto, pork, at 90s. -	67 10 0
Interest of 2000l. for five		220 gallons rum, at 5s. -	55 0 0
months - -	41 13 4	Interest of 4000l., 5 months	83 6 8
	<hr/>		<hr/>
	£513 11 4		£1083 8 8

These are not to be understood as the total charges on the voyage, but are those which show the advantages which Americans have enjoyed.

proved to be the result of the general rush into the trade of Buenos Ayres, where it was easy to send exports, but difficult to find sale or return. It will perhaps now be said, that the trade with Buenos Ayres has become a regular one: but it can be a regular one only to a very limited extent, being indeed partly what subsisted with Lisbon before it was turned into a different channel; it may not, in a long time, replace the vast sums at first lost there, and, at any rate, it displaced no important system existing before. From the late very favorable change in the affairs of Europe, a better prospect of relief now appears; from the east, it will be found that no hope of any can be rationally entertained.

Eightly. That a free trade to the east would be a substitute and cure for all present commercial evils; would open an unbounded field to British manufactures, British capital, skill, enterprize, and knowledge, which would not only supply the wants of the vast population of the east, but create wants where they did not exist.

The practicability of extending, in any great degree, the commerce of this country with the natives of the east, in exports and imports, is undoubtedly a vital question in the whole of the discussion respecting the renewal of the charter; for, if no such extension be indeed practicable, to what end should the present system, with all the establishments which have grown out of it, be destroyed? The British merchants appear to entertain the most extravagant ideas of a new world for commercial enterprise; ideas upon which they are ready to risk their own property, and to sacrifice all the interests of the existing Indian system. The Company, backed by the great mass of British subjects now in Europe, who are acquainted with the countries of the east, maintain, in direct opposition to all such imaginations, that it is not now possible greatly to extend, among the inhabitants of the east, the consumption of British productions; or, in this country, the sale of Asiatic commodities. On the side of the merchants there is, in truth, nothing but a sanguine theory. On the side of the Company, there is the experience of all the nations of Europe for three centuries; there is the testimony of ancient history; there are the climate, the nature, the usages, ~~manners~~ prejudices, religious and political institutions, of the eastern people. If the discovery of the passage by the Cape of Good Hope, and the account of the first Europeans sent by that

route to the shores of India, were only just announced to us, some explanation might be given of the enthusiasm with which the hope of unbounded commerce thither is entertained; but that, after all the knowledge which successive ages have afforded upon this subject, men of general intelligence and cultivation, should, in opposition to the usual course of human affairs, adopt the fond idea of entering, at once, into the enjoyment of a new world of commerce, is a most striking instance of credulity, and of the power which interest and imagination united have to impose upon the understanding. The theory of Dr. Adam Smith did not anticipate any such sudden burst of new commerce, when he pronounced that "the East-Indies offered a market for the manufactures of Europe, greater, and more extensive, than both Europe and America put together." Eminent as Dr. Smith certainly was in the science of political economy, he was not infallible. His information respecting India was very defective, and erroneous; his prejudices against the East-India Company extreme, and his prognostics concerning their Indian government, wholly mistaken. In the period which has elapsed, of near forty years, since he first published his work on the *Wealth of Nations*, the endeavours of all Europe and America have made no discovery of that immense market for European manufactures, which, he said, was offered by the East Indies: yet the same doctrine seems to be still in the minds of some of the petitioners, who make it a serious charge against the Company, that its exports to the immense regions of the east do not amount to a fifth of the exports of this country to North America. But, as well might it be a matter of charge against the merchants of England, that their exports to the great continent of Africa, which contains so many millions of inhabitants, less influenced by religious prejudices, and more inclined, by taste and manners, than the people of the east, to use our productions, do not equal their exports to our remaining American colonies. The reason is obvious in both cases. All the North American colonists are the same people as ourselves, live under a climate nearly similar, and have a variety of commodities, valuable to us, to exchange: the Africans live under a tropical sun, are poor, and have little means of purchasing even such of our manufactures as they would like to use. It has been already noticed, that the Americans have been in the habit of carrying our commodities into other countries.

A profound observer of human affairs, the President Montesquieu, had, before the time of Dr. Smith, who, however, overlooks his opinion, reasoned more agreeably to nature and experience on this subject. "Although," says he, "commerce be liable to great revolutions, it may happen that certain physical causes, such as the quality of the soil and climate, shall for ever fix its character. In the commerce which we carry on with India in modern times, the export of money thither is indispensable. The Romans carried to India, every year, about fifty millions of *Sesterces*. That money, as ours now is, was exchanged for goods, which they brought back to the west. Every nation which has traded to India has uniformly carried the precious metals thither, and brought back goods in return. Nature herself produces this effect. The Indians have their arts, which are adapted to their manner of life. Our wants are essentially different from theirs; and what is luxury to us, never can be so to them. Their climate neither requires, nor permits, the use of almost any of our commodities. Accustomed to go almost naked, the country furnishes them with the scanty raiments they wear; and their religion, to which they are in absolute subjection, instils into them an aversion to that sort of food which we consume: they, therefore, need nothing from us but our metals, which are the signs of value, and for which they give in return the merchandize that their frugality, and the nature of the country, supply in abundance. Ancient authors, who have written upon India, represent the country precisely such as we now find it, as to police, to manners, and to morals. India always has been, and India always will be, what it now is; and those who trade to India will carry money thither and bring none back."

As the Court have, in their letter of the 13th January, 1793, to the President of the India Board, given the same view, and in more detail, on this subject, not deriving their opinion from any single authority, but from the broad page of history and practice, it is unnecessary for your Committee again to enlarge upon it. But may not the attention of the manufacturers of woollens, metals, cotton fabrics, potteries, be still called to the habits of the Indian people, the bulk of whom live all their days upon rice, and go only half covered with a slight cotton cloth; the rice and cotton both produced by their own soil? The earnings of the common laboring

classes, and consequently their expenses, may be estimated, on an average, not to exceed¹ 2l. 10s. per man per annum. They are indolent by nature, frugal by habit, under manifold religious restrictions:—what demand of the manufactures from Europe is to be expected from these? Of the better classes, few are rich, unless those connected with Europeans: and even these during a course of near three centuries, in which they have lived in European settlements, have adopted none of our tastes or fashions, unless perhaps in a few articles of jewellery and hardware, looking-glasses, and carriages, with the use of a mantle of broad cloth in the cold season. As to the north of India, though the climate there be less dissimilar to ours, the people are extremely so: and in poor, ill-governed countries, where property is insecure and concealed, what hope can there be of a vent for foreign luxuries? The persons who now imagine that region to present a great field for commerce, have no conception of the difficulty of carrying goods there from the sea; the delays, expense, and insecurity, that must be experienced when the boundaries of the Company's government are passed; and in finding and bringing back returns if the European commodities could be disposed of. With respect to China, it is not denied that it might, in all probability, take off many of our manufactures, if the Chinese government would allow the free dissemination of them. The jealous restrictions of that government, however, which, though they have been already stated, it may be proper to notice again here, prevent their own subjects, in general, from any dealings with Europeans: and it has been seen, that the magnificent style of Lord Macartney's embassy, which bespoke the grandeur of the British sovereign, with the refined diplomatic talents of that nobleman, which even struck the Chinese courtiers, were incapable of moving the government to depart, in the smallest degree, from its established policy. If, instead of the regulated, long-experienced organ for European trade, the Com-

¹ In a late statistical account of Dinapore, a province of Bengal, there are statements of the annual expenses of different classes of society, and among them one of the expenses of a laboring man, with a wife and two children. The amount is only rupees 22.10.11, or near 3l. per annum, being at the rate of 15s. per head. The article of clothing for this family of four persons is only six shillings per annum.

pany's Canton establishment (under whose respectability, in fact, the Americans were admitted) a swarm of unconnected private traders were to be let loose upon that country, it is altogether probable that the Chinese would either shut their doors entirely upon them, or contract even the present narrow entrance.

If so many proofs of want of knowledge on Indian subjects did not crowd on your Committee, they might express surprise, at finding any persons still so uninformed, as to hold up the trade carried on by individuals, in the time of Cromwell, as gainful to the parties and useful to the nation. The fact is now ascertained to have been notoriously otherwise. The competition of the traders led them to under-sell their exports in India and their imports in England. The public indeed, for a little time, got Indian goods remarkably cheap; but the adventurers could not go on; and Cromwell, (induced by the representations made him, in which several of those very adventurers joined) restored the Company, *in order to save the Indian trade to the nation.*

Parliament is now told by the petitioners, that the private trade, to which individuals were admitted by the Act of 1703, enlarged by the arrangement of 1802, has succeeded and produced a profit, even whilst the Company have been trading to a loss. The Court have very substantial reasons to believe, that, although some articles of private trade may, at certain times, have sold to a profit, yet that large importations of other articles, both into India and into England, have repeatedly sold to a loss, or have remained long on hand for want of sale.

The nature of this trade should be considered. The numerous commanders and officers of the Company's ships (a very superior class of nautical men) have no adequate provision from direct pecuniary allowances: their compensation has always been given in the privilege of trade, and a certain allowance of tonnage freight free. This has generally made them traders; and as they are to look to trade for their emolument (for but few, comparatively, make money by passengers) they continue to adventure, though often with little success: and your Committee are assured, that though they pay no freight nor commission, being their own agents, they still find it, on the whole, a precarious, unproductive business. Now, if these men do not succeed, it can hardly be expected that those, who have freight and commission to pay, can fare better.

But it will be said, that other individuals do nevertheless embark in this trade. To this it is to be answered, that the manufacturers of indigo in Bengal, an article originally promoted, and always fostered by the Company, generally send their produce to England, and this is a matter of necessity, because the great bulk of the article cannot otherwise be disposed of. Again, there is a certain annual amount of acquisition by Europeans in India; and as this, doubtless a large amount in all, is, in one way or another, to be remitted to England, merchants in India may find their account tolerably well in taking up such money in India, investing it in goods, and granting bills, at a rate favorable to the drawer, payable from the sales in this country. A sort of new transit capital arises in this way every year; and men may be tempted, occasionally, to seek to make an advantage of it, who would not regularly fix a capital of their own in the trade. There is also a third sort of trade from India, which men of large capital speculate in, when favorable occasions seem to offer; and, in this way, sometimes cotton piece-goods, sometimes cotton-wool, sometimes indigo and raw silk, have been adventured in. But your Committee suppose it to be an undisputed fact, that these larger adventures have repeatedly been attended with heavy losses to individuals; particularly the very great importations of piece-goods, exceeding in value two millions sterling, in 1802: the large importations of cotton, and even of indigo, since that time: and what may be sufficiently decisive on this head is, that very large quantities of those have remained long in the Company's warehouses without a sale, or uncleared after sale. The following abstract account will sufficiently exhibit these facts.

Value of Private Goods from India remaining in the Company's Warehouses.

	SOLD.	UNSOLD.	TOTAL.
On 1st January 1809	£1,576,185	£815,000	£2,391,185
- - 1810	1,970,958	1,057,760	3,028,718
- - 1811	2,313,761	1,003,000	3,316,761
- - 1812	2,547,668	1,002,932	3,550,600
- - 1813	2,411,259	1,003,000	3,414,259

Of the Sold Goods remaining in Warehouses, 1st January 1819.

246	bales cotton wool have been in ware-		
house	-	ten years	} £2,460
112	do.	five	1,120
6,600	do.	four	66,000
30,000	do.	three	300,000
6,000	do.	two	300,950
<hr/>			
42,958	bales cotton wool, value	-	- £428,510

71	chests of indigo remaining seven years		£4,828
722	do.	- - - - - six	40,096
424	do.	- - - - - five	28,832
230	do.	- - - - - four	15,640
5,121	do.	- - - - - three	358,228
1,593	do.	- - - - - two	108,324
9,080	do.	- - - - - one	613,858

17,241	chests indigo, value	-	-	-	£1,178,786
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1,607,296

Piece Goods Imported in 1803, 1804, and 1805.

Remained in warehouses in 1809	-	-	£276,784
Do. - - - - 1810	-	-	153,891
Do. - - - - 1811	-	-	132,094

But it will still be said, the private trade between Europe and India has greatly increased since the enlargement of 1793 was granted.

To explain this it is to be remembered, first, that, as already stated, the commanders and officers of the Company's ships are, in a manner, obliged to be traders, and that they have greatly in-

creased in number since 1793: they are forced to carry out goods, and therefore to bring goods back, because, *in general*, specie would be a losing remittance. Secondly, that the number of Europeans in India has been very greatly increased in India since 1793. Every class has increased; the civil, military, and medical servants of the Company, the King's troops, from a few regiments to twenty thousand men; the naval servants of the Crown; ladies, lawyers, free merchants, free mariners, and the mixed race of European descent, now become a great multitude, who imitate, as far as they can, the fashions of their fathers. For all these descriptions of persons, every thing required for use or luxury is sent from this country: thus the exports are necessarily enhanced; and exports being made, returns for them in the commodities of the country become necessary, whether they are sure to answer or not.

A brief view of the state of the private trade between England and India may here be given from the Indian Registers of External Commerce, commencing with 1795-6, when the act of 1773 began to operate in India, to the year 1810-11. But it is to be remarked, that only the Bengal registers commence in 1795-6: those for Madras and Bombay not till 1802-3.

*Statement of the Private Trade between London and Bengal,
from the Year 1795-6 to 1801-2, both Years inclusive.*

		IMPORTS INTO BENGAL		FROM BENGAL	
		Merchandise.	Bullion.	Total	Merchandise.
		Sicca Rupees.	Sicca Rupees.	Sicca Rupees.	Sicca Rupees.
1795-6	-	17,91,623	4,81,531	22,73,161	84,08,800
1796-7	-	15,49,906	2,33,096	17,83,002	50,74,310
1797-8	-	11,68,043	3,46,176	15,14,219	69,71,229
1798-9	-	10,13,105	7,30,209	17,43,314	41,07,834
1799-1800	-	31,50,696	16,36,405	47,87,101	67,66,646
1800-1801	-	40,98,340	3,74,112	44,72,472	84,87,336
1801-1802	-	36,51,600	3,24,019	39,75,669	1,31,97,120
		1,64,43,383	41,25,555	2,05,68,938	5,30,19,378

Statement of the Private Trade between London and British India, from the Year 1802-3 to 1810-11, both Years inclusive.

	IMPORTS.			EXPORTS.		
	STORES AND			MERCANDISE		
	MERCHANDISE.	RUPEES.	TOTAL	MERCHANDISE	RUPEES.	TOTAL
	Area	Sicca	Sicca	Sicca	Sicca	Sicca
	Rupces.	Rupces.	Rupces.	Rupces.	Rupces.	Rupces.
Bengal, in nine Years from 1802-3 to 1810-						
1811.	3,35,33,443	52,19,768	3,87,53,211	7,62,57,374	2,510	7,62,90,114
Madras - -	1,14,96,193	50,17,839	1,65,11,057	93,72,303	3,867	93,78,170
Bombay -	1,48,03,375	2,65,079	1,77,68,654	93,18,775	53,611	93,72,119
Total - -	5,98,33,236	1,12,00,686	7,30,33,922	9,11,78,652	62,011	9,10,10,703

This is the comparative state of the private trade with Bengal and India, in former periods, beginning with 1795-6, and at the present time. But the increase is, by no means, to be conceived as merely the result of the enlargement given by the Act of 1793 or afterwards. It is (let it be again observed) most materially to be ascribed to the increase in the number of the Company's commanders and officers; to the necessity of making returns in goods from India for their exports; to the great increase of Europeans and their descendants in India; to the vast increase in the culture of indigo, cherished by the Company and permitted to come in their ships before the Act of 1793; and what the enlargements of that Act and subsequent measures have opened the way for, has been occasional large speculation in cotton piece goods, raw cotton, and indigo, which speculations have more often failed than succeeded. But the great conclusion to be derived from the account of the trade, since 1793, is this: in all the period, of nearly twenty years, from that time to the present, in which, undoubtedly, facilities and enlargements, never enjoyed before, have been given for private enterprise and adventure, in which the private trade has considerably increased, and on the whole a very ample experiment has been made, *not one new article for the consumption of the natives of India has been exported*, and little perceivable difference

in the few articles of metals and woollens of which they participated before. This is a very remarkable fact, and ought to make a deep impression on all persons who, in any way, interest themselves in this subject. Let us not hear of that unfair charge, so often repeated, that the Company's restrictions have prevented persons from availing themselves of the privilege held out by public regulations. Would the commanders and officers, not restrained by high freight, or any uncertainty of getting tonnage, not have carried out articles for the use of the natives, if they had found that any such were saleable? Would not European residents in India, keen merchants and acquainted with the dispositions and tastes of the natives, have commissioned for such articles, if they had seen any vent for them? Would not native merchants, who buy and sell European commodities, have recommended the importation of things for the natives, if they had seen any chance of a sale? Yet, of 54,000 tons allotted for the private trade since 1793, only 21,806 tons have been actually used by private merchants, and these filled wholly with commodities for the use of Europeans. On the whole, then, this may be pronounced a decisive experiment: a decisive proof that there is no opening, not any material opening to be expected, for the sale of European articles for the use of the natives of India.

Of the import trade, from India on private account, since 1793 after what has already been said, it may be sufficient to present the following abstract.

'IMPORTERS FROM INDIA IN PRIVILEGE TRADE.

	Piece Cloths.	Raw Silk.	Cotton Wool.	Indigo.	Sugar.	Saltpre.	Pepper.	Drugs.	All other articles.	Total.
1793-4	£ 83,439	£ 34,938	£	£ 47,038	£ 12,465	£	£	£ 3,830	£	£ 181,710
1794-5	296,095	17,069	11,054	105,346	6,986	32,706		1,330		469,879
1795-6	131,046	3,058	5,693	235,013	8,610	13,084		10,283		409,787
1796-7	319,053	5,315	30,148	273,654	15,725	17,469		19,883		673,749
1797-8	167,210	3,684	67,674	283,893	77,594	33,527		13,200		646,782
1798-9	214,616		38,109	440,475	105,200	13,168		61,484	8,810	881,662
1799-800	295,658		445,413	782,449	94,959		18,077	102,804	7,779	1,747,139
1800-1	197,732	53,009	395,372	491,472	222,118	12,483	40,041	150,009	24,736	1,566,972
1801-2	394,889	36,660	142,480	636,046	36,172	62,326	70,400	151,354	195,889	1,724,217
1802-3	561,873	37,588	180,915	789,314	41,424	101,871	10,673	206,054	246,870	2,586,581
1803-4	884,467	44,963	67,006	602,582	44,643	18,495	3,488	142,858	18,232	1,860,734
1804-5	673,787	65,418	93,212	811,214	65,591	11,220	23,718	92,479	6,781	1,853,058
1805-6	633,911	12,184	18,201	939,861			1,376	111,875	8,561	1,722,772
1806-7	164,111	165,839	122,073	549,871			592	24,230	2,067	1,078,762
1807-8	69,314	178,128	125,636	1,434,238	9,171		19,918	90,506	4,774	1,931,685
1808-9	18,199	89,085	156,032	510,406				19,372	2,135	737,229
1809-10	64,918	12,780	208,190	764,203				58,791	16,820	1,129,408
1810-11	48,043	85,498	550,078	1,382,767	10,827	1,982	38,533	22,811	22,811	2,190,332
1811-12	149,079	90,335	257,345	421,074	20,924	89	19,021	178,366	27,600	1,169,023
Total	5,670,443	933,351	2,916,860	11,004,716	771,509	318,120	400,717	1,481,191	588,966	24,585,673

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SHORT ABSTRACT.

Total Privilege	-	-	-	-	£1,585,673
Private Trade	-	-	-	-	8,543,027
					<hr/> 33,128,700
which contained—Indigo	£11,404,716				
	4,290,591				
	<hr/>				£15,795,307
Cotton	£2,916,860				
	209,258				
	<hr/>				£3,126,118
					<hr/>
All other articles	-	-	-	-	£18,921,425
					<hr/> 14,207,275

It may be proper to point out to attention, the great proportion which the articles of indigo and cotton bear to the whole of these imports; and likewise to refer to the great quantities of these two articles which, it has already appeared, remain still in the Company's warehouses, either unsold or uncleared. Of the practicability of enlarging the imports into this country of Indian productions, fit for the European market, it was formerly stated by the Court, that the diligence, not only of the different East India Companies of Europe, but of individual Europeans trading through the whole extent of the Indian Seas, has been excited, during three centuries, to discover articles which might be profitably exported to Europe, and, after all the experience thus acquired, particularly in the present day, when the coasting and internal trade of India has been greatly enlarged, it is not reasonably to be assumed, upon merely theoretical ideas, that there is any source of materials, raw or manufactured, in India, yet undiscovered, by which the imports from India into this country can be profitably augmented: and, with respect to those articles which may now be considered as the staples of India, namely, cotton piece-goods, raw silk, indigo, raw cotton, and sugar, the demand for the first is reduced and limited, by the vast growth and excellence of the cotton manufactures of Britain and Europe; the second, to whatever extent demanded, can be brought home in the ships of the Company; the third, already imported to an extent that nearly supplies the

consumption of Europe, may also be easily carried home in the same channel; and the article of raw cotton, brought from a great distance, at an unavoidably high freight, which renders it incapable, when this country is engaged in war, and North America and Portugal at peace, with us, of entering into competition with the cottons of Georgia and Brazil, both superior in quality, and brought to this market more expeditiously, to meet the fluctuations of price and demand, and at a far cheaper rate of freight. As to to what it could be imported to this market, so as to rival the innovation of our West-India colonies, which it cannot be in time of price to wit, this is not a trade which could be, on the whole, profitable, so far as nation: and no other great article of Indian produce and European, thought of; except hemp, of which the culture is a great extensive stage in India, not capable of standing a competition with Russia, whenever our intercourse with that country is open. It is in this state of things, when the Company cannot find vent for more exports in the East, when their warehouses are filled with goods from the East for which there is no demand, and when they suffer from the continental restrictions in common with all His Majesty's subjects, that the Petitioners, whose chief complaint is of a general stagnation of trade, censure the Company for not enlarging theirs.

Ninthly. The demand of a full and entire freedom of trade to the Eastward of the Cape of Good Hope, including China, and all the countries within the Charter of the East India Company.

Such are the views of the Petitioners; professedly, no less than a complete subversion of the fabric of the East India Company, and all the great commercial establishments connected with it; involving, also, the hazard of the political interests of the British Empire, Indian, and European. Certainly it must be presumed, the Petitioners expect such advantages to follow from all these changes, as shall compensate for the immense sacrifices which they require; but, your Committee hope, it has sufficiently appeared from the preceding discussion, that all such expectations are illusory and vain. If, however, they are not indeed the offspring of sanguine theories, but the result of sober rational consideration, might not the same sobriety of thought be expected to pay an equitable regard to the ruin which would be inflicted on existing

interests, and to look to some suitable provision against the possible contingency of final disappointment? Yet these important objects seem to have received no adequate attention. Against the alleged danger of excessive speculation (a danger which is, in fact, a public concern) it is argued, "that the enterprize of individuals is uniformly limited by their means and success." But, if they involve all their friends, and sink in their attempts, and this should be the case of many, would not the result be a general calamity? The argument of the Petitioners assumes, that the trade will be finally successful; but the foregoing review of them of all right to go upon this supposition.

For the deep injuries which all the London establishments connected with the Eastern trade would receive, there is no relief or reparation of any kind offered to; ~~the~~ Company, they are told, first, of their wealth, knowledge, and experience (all which have been before disparaged), as enabling them to oppose unassisted private efforts; that, if they can carry on trade to greater advantage than individuals, they have nothing to fear, and that they will reap their reward in competition. All this is particularly applied to the China trade, which is not a new trade, nor, as has been shown, either susceptible of increase, or likely to be preserved at all as a general trade. The transfer of it to other hands would add nothing to the nation, whilst the entire benefit of it is necessary for the support of the political interests of the Company. Secondly, it is proposed, that for indemnifying and remunerating the claims of the Company, they "shall have a fair and equal impost on the trade in question." If the trade and rate of impost were both likely to be considerable, which your Committee see no reason to suppose, the idea of an indemnification for the whole, by giving afterwards a part (and probably a small part) can hardly be treated as a serious idea.

But for the detriment which the Company, in their political capacity, might sustain, for all the ill consequences that might ensue to the government and immense population of India, no provision whatever is proposed. And against an entire failure of the vast prospects, now so sanguinely entertained, this consolation is at last administered, that "the very worst that can occur, in the event of the abandonment of the trade by the public, would be, that matters might return again to their present state."

But can it be seriously supposed, that after the fabric of the Company, and its immense dependent and connected establishments, in England, in India, and China, should have been set aside and left to decay and ruin; when India should have been laid open and the China establishment superseded, and so much capital sunk, that things could be brought back to their former state? The possibility of such a mighty convulsion, and the case with which it is contemplated by the petitioners, may be sufficient to excite a salutary fear of the rage of theory, speculation, and innovation; may suggest the prudence of stopping short of the precipice to which they would conduct us; of at least resting at some point, so far safe, as not to expose the whole of the empire, Indian and European, to the terrible alternative here brought into view. A great extension of the trade to or from the East, the object for which such dangers are to be run, is shown, in the preceding pages, to be impracticable; and it has been also shown, that in the prosecution of the attempt to obtain it, the interests of British India, and of the finances of this country, would be endangered. but if an experiment is still required to be made in the vast continent of Hindostan and its adjacent islands (for to push the experiment into China would be to risk the trade of that country, and all its advantages, without the chance of any benefit) the means of making a large ample experiment, in which the whole nation may participate, through the port of London, are now offered; means which shall give the fairest opportunity to ascertain the practicability of extending the trade, without breaking down present establishments, or exposing the empire, in case of failure, to the most disastrous consequences. At the safe point, therefore, here described, your Committee humbly hope, the wisdom of His Majesty's Ministers and of Parliament will still see fit to rest.

Signed. HUGH INGLIS, JOSEPH COTTON,
 ROBERT THORNTON, CHARLES GRANT,
 JACOB BOSANQUET, GEORGE SMITH,
 W. F. ELPHINSTONE, EDWARD PARRY,
 THEOPHILUS MET- SWENY TOONE,
 CALFE, WILLIAM ASTELL.

*Letter from the CHAIRMAN and DEPUTY CHAIRMAN to the
Right Honorable the Earl of BUCKINGHAMSHIRE.*

East-India House, 10th February, 1813.

My Lord,

By the desire of the Court of Directors of the East India Company, we have the honor to submit to your Lordship a Report of the Committee of Correspondence, and respectfully to intreat your serious attention to it.

It contains an answer to the matter of the petitions which were last session presented to the House of Commons against the renewal of the Company's Charter, and particularly to those arguments to which your Lordship was pleased to refer us, in support of the claims of the Outports to be opened to the import trade from India and China:—it also enters into a review of all the principal questions of a commercial nature, which have been agitated by those persons who demand the abolition of the Company's exclusive privileges: and in this minute, my Lord, the Court hope you will find the following positions, among many others, well established.

First. That the Petitioners have not correctly described the present state and effects of the Company's exclusive privileges and trade, nor at all appreciated the evils, political and commercial, which would result from withdrawing those privileges; but have arraigned the monopoly, as if it retained all the strictness given to it a century ago, as if no considerable relaxations had been made in it within the last twenty years, and as if still larger relaxations were not now acquiesced in by the Company.

Secondly. That the clamors which have been raised against the Company, on account of the trade of neutrals, particularly the Americans, with India, are wholly unjust; that no such trade, unless with the Portuguese, now exists; and that the prevention of injury from it is easy.

Thirdly. That the Petitioners have, by no means, obviated the objections advanced by the Court against the opening of the Outports, nor, in the least, proved the expediency or safety of that measure; and that the adoption of it would be attended with those dangers, which the Court have, in their former letters; described.

And, *Fourthly.* That all the former reasonings of the Court against the practicability of enlarging the consumption of British manufactures in India or China, or of extending profitably the imports of those countries into Britain, are confirmed by the result of the large experiment which has actually been made by private merchants and traders, in the course of near twenty years past; from which experiment, accurately recorded, it appears that *not one new article for the consumption of the natives of the East has, in all that time, been sent from Great-Britain.*

And, *from this very important fact*, new perhaps to your Lordship and the public, though long existing in the records of the Company, the Court of Directors join with their Committee, in Correspondence in hoping, that as the views of the Petitioners are unlimited, going, in the first place, to the subversion of all the existing establishments in the India and China trade; as this ruin would be immense, and the compensation which would be due for it would be immense also; as the political evils which would thence follow, as detailed in the former letters of the Court (evils still to be pre-eminently regarded) would fatally affect the interests of the whole empire; and as the means are now offered of making the fullest and fairest, further experiment of the practicability of enlarging the trade to and from India, upon so great a scale as shall admit the whole nation to participate in it; as this is an experiment, which may be made without breaking down the present system and all its establishments; as it affords a method of ascertaining all the good that is attainable, without hazarding the dreadful evils that are otherwise to be apprehended; we say, my Lord, the Court of Directors do, under these momentous circumstances, earnestly hope, that His Majesty's Ministers will still see fit to stop at a safe point, which will give the utmost reasonable concessions to one set of men, whilst it will preserve the interests of British India, of all parties now connected with it, and of the

empire at large, from the disastrous consequences of unbounded innovation.

We have the honor to be, My Lord,
Your Lordship's most obedient, humble servants,

Signed **HUGH INGLIS.**
ROBERT THORNTON

The Right Hon. the Earl of Buckinghamshire, &c. &c. &c.

HINTS
ON THE
PRESENT STATE OF THE QUESTION
BETWEEN
HIS MAJESTY'S MINISTERS
AND
THE COURT OF DIRECTORS,
RELATIVE TO
The Renewal
OF THE
EAST INDIA COMPANY'S CHARTER.

SECOND EDITION.
Published exclusively in this Work.

1813.

HINTS, &c.

THE question respecting the East India Company's exclusive privileges appears to be confined to one point; which is, whether certain of the Outports of the United Kingdom shall be allowed to import goods therein from the East Indies.

The China monopoly is not disturbed, his Majesty's Ministers having stated their willingness to recommend to Parliament, the continuation of this most important trade entirely to the Company.

The Company, it also appears, have agreed to a trade from the Outports of the United Kingdom to India, on condition that the returns of such export trade shall be brought into the port of London only. So that from this it seems to follow, the Company are willing to allow both import and export to the port of London; and it is presumed to be their intention, that the returns to the port of London should be housed and sold by the Company as at present.

Presuming the above to be a just statement of the question on the part of the Company, the real matters at issue are the following:—

The greater injury the Company's sales will suffer from the sales of similar goods in different parts of the United Kingdom, such sales not being subject to the Company's general arrangement, than those sales would suffer in the event of opening the trade to London only, and continuing the sales on the present system.

And the injury the Company would suffer in their tea trade, by the expected introduction of teas in the ships importing Indian goods in the Outports: as it is contended by the Court, no regulations whatever could prevent the illicit traffic in teas under such circumstances.

As the Company have agreed to abate their monopoly of the Indian trade, in conceding an open trade to the port of London, it is clear the question between the Company and the Outports turns on the validity of the above objections. And indeed these objections contain in them matter for such serious apprehension as to the future management of the home finances of the Company, that it cannot have caused any surprise to find it asserted, in the printed correspondence, that without the import of Indian goods being confined exclusively to the port of London, it is impossible for the Court of Directors to look forward with any confidence to the fulfilment of the important part assigned them in the Indian system.

But the Ministers lay it down as an undeniable maxim, that the subjects of this country have an undoubted right to as much liberty of trade as they can enjoy, without injury to any other important national interest; therefore the Ministers contend, the Outports and others have a full right to a participation in the trade to and from India, the Company's exclusive privileges therein not being considered by the Ministers sufficiently important to the nation to continue such exclusion in the Company's favor.

If, from the operation of the circumstances stated, the sales of India and China goods should be materially affected, it may be justly asked; how are the Company to meet the very large pecuniary demands lately brought, and expected to be annually brought in future on their home funds?

Now, if the argument is sound, from which is deduced the conclusion, that there is no probability of any material increase, if indeed any increase at all, of the late average total sales of Indian goods in England, it then clearly follows, that whatever part of the future consumption of Indian goods is supplied by the imports into the Outports of the United Kingdom, must operate as a deduction in the amount of the Company's sales; and of course, in the proportion of the value supplied through the Outports,

deduct from the Company's means for meeting the heavy charges above noticed.

This part of the question is not so much a question of *profitable* trade, as a question of mere *remittance*. For it must be evident to every one conversant with Indian affairs, that if the Company have to pay in England a large annual sum on the proper account of India, in addition to the former payments on that account, further means must be supplied from India, to enable the Company to meet such additional demands, as the profits on the present trade are already absorbed, in the payment of the dividend on the capital stock, and other fixed and permanent charges.

India is, or ought to be, able to furnish the necessary funds to enable the Company to fulfil these obligations on the account of India. But in what way are these funds to be made available in England for that particular purpose? The trade, it is contended, cannot be increased, and if any part of the present trade remaining to the Company, after admitting the Port of London to a participation, is occupied by the Outports, it then seems clearly to follow, that the funds accumulated in India for remittance to England, through the medium of the Company's commerce, to discharge the Indian debt and other Indian expenses transferred to England, must either remain in India, useless as far as this particular and urgent purpose is concerned, or those funds must be returned to England in bullion.

India cannot be expected to furnish this bullion from its own currency, as part of a regular and general system of remittance; because, as India possesses no mines within itself, its currency can only be replenished from without, to make good its own peculiar drains, without adding a new and constant drain for the supply of the funds of the Company in London. Hitherto, the Indian circulation has been supplied from the same sources whence the currency of Europe has been supplied. Whether those supplies have found their way to India direct from South America, or through Europe in the first instance, or, in the second, from Europe and America through China. Little indeed, comparatively speaking, can now be expected direct from Spanish America, owing to its own troubles, and to the disturbed state of Old Spain, which together have very much impeded the usual influx of bul-

lion to Europe. Still less can be expected through the United States, as it has been stated by their Finance Minister, since their declaration of war against England, that no revenue whatever is calculated from the import of goods from India and China: and if no goods are to be imported, there will not be sent from the United States to India, or China, any bullion for the purchase of return cargoes.

From this it seems to follow—First; that during hostilities between England and the United States, no bullion finding its way, as heretofore, thence to India and China, and the disturbed state of Old Spain and its possessions cutting off the like usual supply through Manilla, &c. it will be impossible for India to remit bullion to England to meet the payment of sums transferred from India to England.

*And second—That as, from the participation of the Outports in the present trade between India and England, the funds of India cannot be invested in commerce to meet the demands on England, the Company must be brought to a stand; not from the want of funds, but from the absolute want of a remittance of those funds; and that at a season too, when, owing to the particular exigencies of the times, the Company require every aid, to enable them to fulfil their own engagements, and also to contribute to the general welfare of the kingdom at large.

To whatever degree the China trade may be affected by the increased facilities for smuggling tea, which conceding the import of Indian cargoes to the Outports will cause, in the same degree will the Company's sales in that most important, and to them, in fact, staple article, be affected: so that, what with the deficiency in the amount of sales, together with the want of a remittance through any other channel, the Company are exposed, not to the *possible* only, but in fact to the *probable* hazard, of being compelled, in a short time, to cease their operations altogether.

It may be objected, that the concession supposed in favor of the port of London will bring the same difficulties on the Company, as are expected from the supposed further concession to the Outports. But to this it may be replied, that by increasing the number of ports for importation, the quantity taken from the Company's imports will be increased in a greater degree than if

the port of London only interfered; and also, that by confining the import to London only, no further danger is to be apprehended on account of any defalcation in the sales of tea, from smuggling; which is not likely to be increased, if the Indian trade is not removed from the port of London.

In the discussion, however, which has been carried on respecting these important points, it has been incidentally stated by His Majesty's Ministers, that if matters should proceed to a crisis between them and the Company, means may be devised for conducting the administration of Indian affairs, without having recourse to the Court of Directors as the organ of that administration. As this observation evidently involves the assumption of the revenues of India by the Crown, a brief statement is now entered into, to show what would be the pecuniary burthen brought upon the British public, by transferring, from the Company to the Crown, the territorial possessions and revenues of India.

2. Without, however, going into any inquiry on the question of right to, or permanent interest in, the soil or the revenues, comprehended in the grants made to the Company previous to the year 1765, it may be presumed a perfectly intelligible principle, that as Parliament has recognised the Company's Claim to an interest in those grants, and to the subsequent acquisitions of territory and revenue in India, Parliament cannot entertain a proposition so obnoxious to every principle of British justice, as to deprive the Company of the benefit of those acquisitions, without remunerating them, for the expenses actually incurred in obtaining the Indian territory and revenues. Neither can it be supposed, that Parliament would withhold from the Proprietors of East-India Stock that further remuneration, to which they have been encouraged to consider themselves entitled.

Parliament did, in the Act 33d George III, recognise the claim of the Proprietors of East India Stock to at least 200 per cent. on their capital, in the event of the Public participating in the then expected surplus proceeds from the Indian territorial revenues. In several subsequent Acts, this principle has been admitted and confirmed. Now it may be presumed, if the administration of the revenues of India should be taken from the Company, and as the necessary and absolute consequence thereof, the prospect of this

reimbursement to the Proprietors should be altogether destroyed, that the least remuneration which the Proprietors could claim, and the least also that Parliament would grant, when it is considered that to the Company is to be principally ascribed the acquisition and maintenance of the Indian possessions, would be the repayment of the capital stock at 200 per centum.

If Parliament deprive the Company of their exclusive privileges as a trading corporation, and also deprive them of the Indian revenues, it is the same thing as closing the operations of the East India Company altogether. And in this case it is clearly equitable, if the Parliament open the trade to the British public, and assume the Indian revenues, that the British public should take also upon themselves all the debts, engagements, and incumbrances, which the Company have come under on account of the trade and revenues of India.

These engagements (such as are of a pecuniary nature only are now under consideration), may be briefly stated as follows.

1st. *In India.* The whole interest of the Indian debt which the governments in India have made payable in England, and to which the Ministers of the Crown have assented: the annual amount of which is about £1,500,000.

The Company are also bound to the payment in England of pay on furlough and retirement, to the officers of their Indian army; and to the payment of the demands on account of King's troops serving in India, amounting together to about £500,000 per ann., which charges would be borne by the public in the event of the Indian administration being transferred to the Crown.

There are further sums payable in England on account of India, for which the Company have hitherto provided the necessary funds, and which sums will continue to be required in England, whether the administration of the Indian revenues remains with the Company or should be transferred to the Crown: these sums may be taken at the annual amount of about £400,000.

There is further to be provided for, the interest and sinking fund on the loan of £2,500,000 from the public, amounting to £242,820 per ann., which must be paid, whatever becomes of the Indian revenues, or by whomsoever they are administered.

These sums together, therefore, on account of India, payable in England, amount annually to about £2,650,000

2d. *In England.* What is owing on securities of the Company's bonds and annuities and for bills, from India, say about £3,500,000; and the amount of the capital stock at £200 per centum, as before stated, £12,000,000 making together an aggregate of £21,500,000

From which should be deducted the available assets in England, being the goods in warehouse unsold, and the value of goods, after deducting charges, which may be expected to arrive in England in the current year; together with the amount remaining due from government for annuities, which would not be payable to the Company, in the case supposed 10,500,000

£11,000,000

This remaining sum, if funded on the most reasonable terms, cannot be supposed to require a less interest than £5 per cent., which would constitute an additional annual charge in England to the amount of £550,000; making with the sum supposed annually payable in England on account of India, the aggregate of £3,200,000, as the charge brought upon the public by the presumed change in Indian management; without including any charge for remuneration to such of the Company's officers, owners of ships, tradesmen, &c. &c. as may materially suffer from the loss of emolument, in some instances, and from the loss of employment altogether, in others.

In return for this great annual charge, brought upon the British public by the transfer supposed, that public would obtain in India, the revenues, with all the Company's present property there, together with the cargoes afloat on their voyage thither; a very small part of which can be turned into available funds. And in England, the East India House, warehouses, and all other appurtenances, which are equally unavailable with similar property in India.

In the event of the* supposed change taking place, it may be considered, at least, doubtful, whether the public would derive an

amount of clear annual revenue in England from the India and China trade, equal to that which now flows through the East-India Company into the King's Exchequer. But important as this consideration is, when the present amount of that revenue is contemplated, *viz.* more than £4,000,000 per annum, there is another consideration connected with the subject, which is of importance, by no means inferior to the question of revenue—consisting of duties of custom and excise—and which now requires to be noticed.

The Company have no other means of providing for the large sum annually payable in England, than by the sale of their investments from India and China; and it is clearly demonstrable, since the interest on the Indian debt has become payable in England, that the amount of that interest so payable in England not being demanded in India, should be applied, in the first instance, to the provision of investment for the London market. This increased application of funds in India for the purchase of investments, would necessarily induce, so long as the sales of Indian produce in England do not materially increase, a corresponding reduction in the value of exports hitherto furnished from England for the purchase of investments in India. The operation of these circumstances would, together with other changes flowing from this alteration in the course of affairs, enable the Company to provide for all the demands brought upon their home funds, by the interest on the Indian debt and other Indian charges payable in England.

But if the trade is laid open to the public, and the revenues be administered by the Crown, it becomes a question of much moment, as to the manner in which the King's Ministers are to render the Indian revenues available in England, for paying the annual sum of £3,200,000 before mentioned.

It is an unquestionable fact, that India has absorbed a very large portion of the bullion supplied from the mines of the western world, probably not much less than three millions sterling annually, on an average of the last eight or nine years; but although this is the fact, it by no means follows, that India is capable of furnishing from its circulation, any considerable part of this annual importation, in payment of the demands transferred

from India to England. Indeed, when it is considered that this absorption of the precious metals in the East has been going on for a long course of years, it is most probable, even under ordinary circumstances, that India could not be expected to do more than to furnish, on a pressing emergency, two or three millions sterling for the relief of the home Treasury. But in the present situation of the Western world, it is to be apprehended, so far from India being able to afford bullion for the relief of England, that India itself will suffer some distress and embarrassment, from the failure of those annual supplies which have hitherto been furnished, through the commerce of the United States, and from the remittances through Old and New Spain, Portugal and foreign Europe.

It appearing then that India cannot transfer any considerable portion of its revenues to England, by annual supplies of bullion, so as to meet effectually the sums on account of India made payable in England, it would seem therefore to follow, that the mode for completing this necessary transfer in future years, must be the same which has obtained in former years—which is through the medium of a regular and well conducted commerce. But if the East-India Company, according to the supposed case, are not to become the channel for this most important commerce; on whom, it may be fairly asked, is this duty to devolve?

Is it to be presumed that Parliament would sanction so novel and extraordinary a procedure, as to allow the King's officers in India, to advance from the public revenues there, funds to resident merchants, or to the supra-merchants of merchants residing in England, for the purchase of goods for the English markets? But were a measure of this sort to be adopted, the sums so advanced in India could only be returned into the King's Exchequer, on the sales of those cargoes in England. And in this case, how many difficulties must be overcome in India in the commencement of the plan; and how many more must be encountered in England to render such a plan efficient here! How many new offices must be instituted both in India and in England; and after all, where will be found the security for the money advanced, and for its repayment in England, so as to meet the charges for which those sums are appropriated in

India? Will the Crown take the risk of the seas,—are its officers to examine into the sea-worthiness of the ships—or to exercise any control, or judgment, respecting the loading or departure of the ships?—Is the appropriation of the sums advanced in India to be left altogether to the discretion of the merchants or their supra-cargoes, applying for those advances? And is this large annual amount to be placed altogether beyond the reach or management of the servants of the Crown in India?

And again, in respect to management in England—the cargoes will be secured in bonded warehouses. In the case of home consumption, are the sales and deliveries to be left altogether to the discretion of the importers? And in the case of exportation, how is the amount advanced on such cargoes, or parts of cargoes, to be secured, and the advances returned? Will officers of the Crown be appointed to secure such sale value of the cargoes sold, as will be sufficient to indemnify the Crown for the advances, and also to prevent the deliveries of the goods till such advances are repaid?

It is clear, that if some efficient checks, control, and regulations are not established on all these points, both in India and in England, there will be no security whatever for the due return of the sums advanced in India. And if such efficient control is effected, what is to become of that liberty of trade, for which it appears so many are anxiously seeking?

It is indeed too probable, the trader, under such circumstances, would find himself more crippled in all his operations, than he is now situated by those, who have complained of the vexations and difficulties, to which they have been exposed under the Company's present regulations.

These are some of the difficulties which present themselves, on a very cursory review of the consequences of that change, which is supposed to be meditated by those who are hostile to the Company's wish, to keep the import trade of India to the port of London alone. It is unnecessary to state the actual uncertainty of any real increase of the trade by the change supposed; indeed, some of the most strenuous advocates for the participation of the Outports argue their right to a share of the present trade, if it should be demonstrated that trade cannot be

increased in any degree whatever. It may be considered sufficient to request that a due attention be paid to the several points which have been very briefly stated. Considering, on the one hand, the real advantages of the present system or of that to which the Company have assented, viz. giving the Port of London free import and export to all parts of India, through the Company's several establishments abroad and at home, together with a free export to India from the Outports, and leaving the private merchant to employ his own tonnage and to regulate the sailing of his own ships according to his own discretion, and taking into account, on the other hand, the almost certain ruin of the Company and its various establishments, together with the addition of a large annual sum to the public taxes in England, as before stated.

It is therefore hoped, these plain and cursory hints will induce that serious reflection on the whole of this momentous subject, as to cause a patient reconsideration of all the points which have been brought into discussion, that at length the whole question may be finally settled, with the full concurrence of His Majesty's Ministers, the satisfaction of the just expectations of the East India Company, and to the real benefit of the merchants and manufacturers and the British public in general.

London, the 27th March, 1813.

J. T.

THE
Second Report
OF THE
COMMITTEE.
FISH ASSOCIATION
FOR THE
BENEFIT OF THE COMMUNITY,
RESPECTING
THE MEASURES TO BE ADOPTED FOR
THE SUPPLY OF THE METROPOLIS
AND ITS NEIGHBOURHOOD.

LONDON:

Subscriptions for the Association are received at Messrs. Coutts and Co.; Drummonds and Co.; Hammersley and Co.; Herries, Farquhar, and Co.; Hoares and Co.; Jones, Loyd, Hulme, and Co.; Morland, Ransom, and Co.; and Smith, Payne and Smith; subject to the Order of the Committee.

1813.

THE
SECOND REPORT, &c.

IN looking to their primary object of encouraging and promoting the supply of Fish, both fresh and corned, in the Metropolis and the other parts of the Island, the Committee are of opinion that, with the natural advantages which Great Britain enjoys in respect of the fisheries, it is of importance in the first place to ascertain the nature and extent of the impediments, which, in an Island where the coasts abound in inexhaustible shoals of that article of food, check the supply and the use of fish, at a time when an increasing population demands additional means of subsistence.

The ascertaining of those impediments, and the adopting of the most effectual and unexceptionable measures for their removal, appear to the Committee to constitute a great part of what will be to be done by the Fish Association: for whenever those impediments are removed, and private adventure is once put in action, they entertain no doubt of an ample supply to our markets, at prices which, without the interference of regulation, will be proportionable to the cost and labor of the enterprise, and to the extent of

the supply and demand; affording, at the same time, profit to the adventurer, and benefit to the public.

In their First Report, the Committee noticed four impediments to the general use of fish in the Metropolis;—the size and local situation of the fish market, the obstructions to an extensive sale, the difficulty of distributing it over the Metropolis, and the uncertainty of price. They now proceed to notice an impediment to the regular supply of the Metropolis; arising from the navigation of the river Thames.

Whenever there is a prevalent south-west wind of any continuance, such as there has been great part of this Spring, the fishermen, finding it impracticable to get up the river, take shelter in Holy Haven (otherwise called East Haven) a small bay on the Essex side of the mouth of the Thames; they there wait for a more favorable wind to enable them to pass up the next reach of the Thames, called the Hope; and if disappointed in this, they throw their cargoes overboard, and proceed on another fishing voyage.

The quantity of fish thus destroyed, is not only very considerable, but by this circumstance the fishermen are discouraged from exerting themselves to increase the supply to any thing like the extent, which it is capable of. This is also the cause of another inconvenience, to which the principal fishmongers in the Metropolis are obliged to submit,—that of keeping a large stock of fish by them in ice, for the regular supply of those opulent customers, whose tables must exhibit the same appearance of unvaried abundance at all times and seasons. The fishmongers, therefore, even at a time when a continued south-west wind has almost shut up the supply by the river Thames, are still obliged to make a great display on their shopboards, of turbot and other fish, preserved indeed from putrefac-

tion by ice, but rendered *woolly*, tasteless and devoid of nutrition. There is a third inconvenience attending this stoppage of the regular supply of fish to Billingsgate,—that the basket-women are deterred from continuing their attendance on the market so long as they otherwise would do, for being disappointed in not finding any fish on sale, at least within their means of purchase, they give up the retail of fish, and adopt some other employment.

In order to obviate these difficulties, it has been suggested by some of the principal salesmen at Billingsgate, that it will be practicable, at a moderate expense, to open a communication by land carriage, between Holy Haven and the Metropolis. The estimated distance by Rainham is about thirty miles; and the part where any new road would be required to be made, or the present road to be repaired, make four or five miles; the rest of the road being very good. It is stated, that if such a communication were made, it would be practicable to produce a daily and regular supply for the Metropolis of fish, sent up in five or six hours after its arrival in Holy Haven, at an expense of about a halfpenny a pound; and that thus, not only a very large quantity of food might be preserved for the benefit of the community, and used *while in perfect condition*, but there would be a constant and daily supply for the Metropolis, at nearly a regular price at all times, even when the south-west winds are generally prevalent, and our fish market might be almost on the same certainty as that for butcher's meat.

It seems therefore to be of great importance that such a communication should be opened between Holy Haven and the Metropolis; and there is very little reason to doubt but that, when a good road is made, private adventurers will use it for the benefit of themselves and the public; and that the fishermen will generally prefer this speedy and

certain conveyance, to the more tedious and uncertain navigation of the Thames; most of them discharging their cargoes, and returning on another voyage immediately.

In order to ascertain the extent and expense of the proposed road, the Committee have thought it necessary, that a regular survey and examination of it should be made by a professional man, and that a communication should take place with the owners of the adjoining property. But previously to this, they have, through one of their Members, applied to a Gentleman, whose residence and property are in that neighbourhood, and who has, in consequence of their request, visited Holy Haven. He reports that he finds it practicable for smacks, with the assistance of small boats, to land their fish there at any time of tide, within about three quarters of a mile of a tolerably good hard road, which runs from Corringham through the marshes. He visited also another place, called *Ridham Gap*, higher up the Thames, and nearer the present road; where smacks lie and discharge their cargoes; but he has doubts whether they can do so in unfavorable weather.

The Committee have since applied to Mr. Walker, a gentleman who has professionally surveyed some roads in that neighbourhood, and is acquainted with the vicinity of Holy Haven. At the request of the Committee, Mr. Walker has been at Holy Haven, and has made a survey of the ground, and a report on the subject. He states that the circumstances are generally favorable to the project, that the Harbour is such that vessels can ride in it with safety at any time of the tide, and that a landing place may be easily formed, as the deepest water comes near to the Sea-embankment, and the ground is adapted to wharfing, should this be required. From this point (he observes) the distance to the public road is very little more than three quarters of a mile; the intermediate space, however,

being over a marsh, upon which the forming of the road will be attended with some extra expense. He supposes the road to be raised about eighteen inches above the level of the marsh;—to be baved, and covered with nine inches of gravel, for twelve feet in length; and also that part of the Parish Road under the Sea Wall, which is very narrow and unfit for the purpose in its present state, should be widened and improved. There is also about a mile and a half of a Parish Road communicating with the proposed road, which passes over a marsh, and will require to be improved and repaired; but this, it is understood, will be done at the expense of the neighbourhood. Mr. Walker has accompanied his Report with a Plan of the Road from Holy Haven to London, the distance being rather less than twenty-nine miles. The whole of the road from London to Holy Haven (Mr. Walker observes) is nearly on a perfect level; and there being but little thoroughfare on the last twenty miles, it is generally in so good repair, that the journey from Holy Haven to London may be performed (Mr. Walker thinks) in as little Time as that from Gravesend to London, (though the distance is seven miles more,) the Gravesend Road being very hilly. At the desire of the Committee, Mr. Walker has also added a proposal from a Gentleman who has seen the spot, for completing the whole, at the expense of £874. a sum which, Mr. Walker is of opinion, is fair and reasonable.

A project has been in agitation to carry a railway from London to Wallasea Island in Essex, with a view to an increased supply of vegetables for the London market. It is worthy of consideration, how far this plan for a railway may be connected with the communication with Holy Haven or Lidham Gap, as affording a better and cheaper conveyance for fish than a mere gravel road. Upon this subject, they are informed by one of their Members, that the

Bill for the railway has been for the present withdrawn : the parties, however, are ready to renew their notices and to bring the measure again forward, if it should have the concurrence of the Members of the Fish Association.

The Committee have thought it expedient, at the same time, to inquire how far it may be practicable to augment the supply of fish from the Sussex coast. One of their Members has had an interview with the persons principally concerned in the sea fishery at Brighton ; who have signed a representation, stating the two principal obstacles to the large supply, which the Metropolis might otherwise receive from that place. The first is the collection of the post duty on the horses employed in their fish-carts ; which has only been recently exacted, and is so heavy, that a fish-cart with four horses, *carrying fish only*, is compelled to pay twenty-eight shillings duty, on every carriage to London of that article of food. This has the double effect, of lessening the quantity of fish sent to town, and of enhancing the price of it when it arrives : and they venture to express their opinion, that it never could have been the intention of the Legislature, that this duty should be levied on the carriage of provisions from one town to another ; it being the reverse of the policy generally adopted, of avoiding every tax on domestic articles of food brought to market.

The other obstacle which they state, affects the disposal of their fish after it arrives in town ; Billingsgate Market, the only fish market now existing in the Metropolis, being not only locally inconvenient, but utterly inadequate to the quantity of fish already brought up the Thames. They observe, therefore, that it cannot offer any certain accommodation, for the sale of the additional quantity of fish, which might be obtained from the Sussex coast. But if a place of sale could be obtained near Westminster Bridge, a daily supply might be sent there to a very large amount ; so as

to reach the place of sale at five o'clock every morning, and to afford a very great relief to that part of the Metropolis. These Gentlemen have concluded their representation, by requesting that it might be ascertained how far these two obstacles may be removed; undertaking, that if it can be done they will use their best endeavours, that a large supply of fish may be daily and regularly sent to the Metropolis.

The Committee, conceiving that it would very much improve the supply of the Metropolis, if such caravans of fish were sent off every evening, to reach the west end of the town early the next morning, especially from Brighton, where there is a short and excellent road and a good supply of horses, directed a case on the first point, to be laid before Mr. Serjeant Onslow: and on the two points, before him and the Attorney General; in answer to which they have just received, on the latter point, the opinion of those two learned Gentlemen in the following words:—"We do not apprehend that there is any legal impediment, to any person or persons engaging a warehouse, yard, or other convenient place, at which to receive and sell, by retail or wholesale, fish or other victuals. But such individuals cannot by law erect a market, in which to exact tolls, or other incidents to a market."—Upon the subject of the post duty, they have received Mr. Serjeant Onslow's opinion, as follows:—"The last Act, I find, that imposes a duty on post horses, is the 44th Geo. III. cap. 98. The words there used, are 'horse, mare, or gelding, hired for drawing on any public road, any coach or other carriage, used in *travelling* post, or otherwise.' I do not think that under that expression, a duty is imposed on a mere fish cart, or caravan, *carrying fish only*, in respect of the horses by which it is drawn."

The Committee will next advert to two circumstances,

which they conceive may be deserving of attention, and confirming the inference deduced from the effects of the contract for mackerel, entered into in May last, by the Committee for the relief of the Manufacturing Poor. The first of these they give on the authority of a Gentleman, who has been lately concerned in, or connected with, the herring fishery on the Goodwin sands. Having contracted in 1810 and 1811, to a limited amount, with the fishermen for herrings, at £12. the last, to be cured for the West Indies, they varied their contract in the year 1812, and agreed to take *all their surplus herrings* at £7. the last, being fourteen pence the hundred. The consequence of this unlimited agreement was, that the fishermen went out every day; and the quantity caught was three or four times the average of the preceding year: so as to occasion a remarkable increase in the supply of the Metropolis, at the commencement of the preceding winter; a hundred ton of herrings, or 240,000lb. weight having been caught and sold, or cured, in one day.

A SIMILAR circumstance to this has been stated to them by a principal salesman of Billingsgate, to have occurred there in January last; when the quantity of cod for corning, then required by the Committee for the Manufacturing Poor, produced so large a supply of that sort of fish at Billingsgate, that the salesmen there could not obtain for it more than three-halfpence a pound. It seems indeed to be clear, if the fishermen could obtain, even at a moderate price, a *certain sale for all the fish* brought to the market in good condition, that the increase of supply might be carried to almost any extent. But in order to dispose of the daily surplus which would then be brought to sale, it appears to be necessary, that a salting warehouse should be connected with every wholesale Fish Market; for receiving, at a certain hour, and at a reduced price, all the surplus fish of the

morning, to be corned for the use of the interior parts of the country, or for exportation. For the purpose, therefore, of diffusing more generally the knowledge of the wise and judicious measures, which the legislature, on the suggestion of Government, have adopted, of a remission of the salt duty, for the purpose of encouraging the preserving of fish for food, the Committee have thought it expedient to print, in a cheap form, for the use of the public, the Acts of Parliament which relate to that subject.

The Committee entertain no doubt, that corned fish, if properly cured, and sold at a moderate price, would be very acceptable to all classes in this country. Upon this subject, they have very lately received the opinion of Mr. Boase of Penzance, who is well acquainted with this subject, and who mentions a circumstance very deserving of attention. "Penzance market" (he observes) "supplies a very populous district, where fish is three-fourths of the animal food of the lower classes. The average price of fresh fish during the last twelve months, has been about *one penny* per pound, - of salt fish, nearly *three-pence*; and notwithstanding this, the hucksters carry off ten loads of salted, for one of fresh fish." In the course of his observations on this subject, Mr. Boase notices the effects which the increased use of corned fish would have on the cultivation of potatoes; an article of subsistence, much more productive in quantity, and much more certain as to crop, than wheat, or any other kind of grain. Upon this subject, Mr. Boase states an interesting fact, "The population of the district of Penzance, has for some years required an annual importation of corn or flour. The crop of 1811 was entirely exhausted before the end of March 1812. Great supplies of grain were necessarily imported, and retailed to the labouring classes at reduced prices, causing an enormous addition, to the poor-rates. The alarm thereby occasioned,

produced a timely and larger increase of potatoe-planting. The consequence has been, that although the corn crop of 1812 was not above average, and was broken into, even in the first week of harvest, NO GRAIN OR FLOUR HAS BEEN IMPORTED HERE, NOR IS ANY EXPECTED TO BE WANTING." To this he added that large quantities of potatoes have been exported from Penzance, and that they are still sold there under a halfpenny a pound, retail price.

With a few brief observations on the fishery of the Nymph Bank, they will conclude their report. This Bank lies off the southern coast of Ireland, and has been made the subject of a letter addressed by the late Mr. Dixon to the Earl of Hardwicke, then Lord Lieutenant of that Island. It was explored in 1736 by Captain Doyle, who reported it to abound in large cod, quantities of hake, and ling; a report, which was confirmed by Captain Frazer, on a survey of it in 1802. The committee mention this Fishery, not as peculiarly necessary to, or connected with, the supply of the Metropolis; but rather as offering very advantageous means of giving employment and subsistence to the poor in that part of Ireland, and of affording, by exportation, great supplies to the West Indies and the southern parts of Europe.

May 11, 1813.

SOMERSET.

BRISTOL.

RADNOR.

JOHN CHARLES VILLIERS.

THOMAS BERNARD.

JOHN EGERTON.

CLAUDE SCOTT.

THOMAS ROWCROFT.

CHARLES PIESCHELL.

PATRICK COLQUHOUN.

SYDNEY SHORE.

JOHN DISNEY.

WILLIAM HALL.

At a Meeting at the Thatched House Tavern, the 6th of March, 1813,

His Royal Highness the DUKE of KENT in the Chair,

The following resolutions were moved, and seconded, and passed unanimously :

1st. " That a ' FISH ASSOCIATION' be formed for the benefit of the Community, and for encouraging and promoting the supply and use of fish both fresh and corned, in the Metropolis, and the other parts of the Island; the Association not being concerned in any trade or dealings whatsoever, with a view to profit or emolument of any kind to be obtained by the Association, or any of its members.

2d. " That the Duke of Somerset, the Earl of Winchelsea, the Right Hon. J. C. Villiers, the Right Hon. George Rose, Sir Thomas Bernard, Bart., Samuel Whitbread, Esq. M. P., William Smith, Esq. M. P., Patrick Colquhoun, Esq., and William Hale, Esq. be desired to act as the temporary Committee of the Association; to advertise its objects, receive subscriptions, propose an outline of regulations, and adopt such other measures as may appear to be expedient to promote the views of the Association, until a regular Committee shall be formed for those purposes; and that they have power to add to their number the names of such subscribers as they shall think proper; three members being competent to business.

3d. " That the said Committee do meet at the Thatched House Tavern on Wednesday next, at half past two, o'clock; and that they be desired to call a

meeting of the Subscribers, as soon as they shall have a report to make to them."

And His Royal Highness having quitted the Chair, it was resolved unanimously,

"That the cordan thanks of this meeting be presented to HIS ROYAL HIGHNESS THE DUKE OF KENT, for his condescension in taking the Chair."

(A subscription was immediately commenced.)

AN
ADDRESS
TO THE
PARLIAMENT OF GREAT BRITAIN,
ON THE
CLAIMS OF AUTHORS
TO THEIR OWN

Copy-Right.

THIRD EDITION; NOT PUBLISHED.

BY
A MEMBER OF THE UNIVERSITY OF CAMBRIDGE.

1813.

AN
ADDRESS,

&c.

THE ~~right~~ of Authors to their own COPY has been often brought under consideration : the opinions of the ablest Lawyers and the most enlightened men were divided on the subject. The House of Lords, however, at last, decided for the public, and it is no longer a legal question ; but as there is now a bill pending in Parliament to amend the Statute of the 8th of Anne, respecting literary property, the present Address is offered, to show how the question stands at this time among the parties concerned.

Authors are deprived of the ~~common~~ *law-right* to their own labors, because it was feared that, by permitting them to have an exclusive property in their literary works, the public would be injured. This is the substance of every argument, however ingeniously diversified, that has been used, to show the necessity of limiting the duration of literary property to the author ; and, the general principle of expediency, the only plausible argument to wrest it from him.

When the great question of *copy-right* first underwent a full discussion, the only Judge in the King's Bench who opposed it

as the author's property, was Mr. Justice Yates; with him it was considered as of a nature too incorporeal and evanescent to have a specific value, yet he allowed it to be sufficiently substantial to exist for a term of years, to be circumscribed by the law, and to be protected by it.

A speech made to a public assembly, a public lecture, for which the author is paid by his audience, a sermon preached by a Bishop from his manuscript, or a charge delivered by an Archdeacon to the diocesan clergy; are not too evanescent to be protected; not by Statute, but by *common law*, and no man is permitted to derive any profit from either, *except the author*, even though the sale should be confined to the very persons to whom the instruction, advice, or information, were given. This is the law as it now stands, and is founded upon the principles of the common law of England.¹ It is therefore clear that it is not the *incorporeal nature of ideas* which has created the real difficulty of securing them to the author, and of acknowledging him to be true owner; but he is deprived of his ownership as a measure of policy. At this time, I trust, it will not be difficult to show, that the guardians of the public entertained groundless apprehensions on this point.

That the question of *copy-right* may be clearly and distinctly before the reader, I will first recite the Acts of the Legislature, which have been made at different times in aid of literature.

The Licensing Act of the 13th and 14th of Charles II. compelled all Printers and Booksellers to enter whatever they printed

¹ Upon this point, my Lord Mansfield has thus expressed himself:—"No disposition, no transfer of paper upon which the composition is written, marked, or impressed, (though it gives the power to print and publish) can be construed a conveyance of the copy, without the author's express consent to print and publish; much less against his will.

"The property of the copy, thus narrowed, may equally go down from generation to generation, and possibly continue for ever; though neither the author nor his representatives should have any manuscript whatsoever of the work, original, duplicate, or transcript."

With respect to copy-right *after* publication, he adopts this opinion: "He who pays for a literary composition buys the improvement, knowledge, or amusement, he can derive from it: but the right to the work itself, the copy-right, remains in him whose industry composed it. The buyer might as truly claim the merit of the composition by his purchase, as the right of multiplying copies and reaping the profits."

in the Register of the Stationers' Company, and enacted that all Printers should reserve three copies of every newly-printed book; one for his Majesty's library, and one for each of the Universities of Oxford and Cambridge. This Act expired on the 9th of May, 1679. It was afterward revised, but finally expired in 1694.

In the 8th year of Anne, an Act was made for the *encouragement of learning*, by which the author, or his assignee, possesses an exclusive copy-right for fourteen years, and is enabled to recover penalties for the invasion of his property; and if the author should survive that term, the same privileges extend to fourteen years more: and of all newly-printed books, by this statute, nine copies of each are given to the six Universities of England and Scotland, and the Libraries of his Majesty, Stion College, and the Advocates' Library in Edinburgh; and lest books should be sold at too high a price, the Act contains a provisionary clause, vesting a power in certain persons therein named, to regulate the same according to their judgment.

By an Act for the suppression of Seditious Societies, made in the 51st of George III. c. 79. §. 29., one copy of every book printed is to be deposited with the printer.

By an Act of the 41st of George III. c. 107., the author is compelled to give two additional copies to Trinity College, and the King's Inns in Dublin.

By these several Acts, the author is now deprived of twelve copies of every book he prints.

After various Star-chamber regulations for printing, and charters granted to a body of Booksellers, to guard against the disseminating *heretical, schismatical, blasphemous, seditious, and treasonable books*, an Act was passed in the 15th and 14th years of the reign of Charles the Second, to continue in force for two years only, to compel all Printers to enter the works they printed in the Register of the Stationers' Company.² This Licensing

¹ This last clause, thirty years afterwards, being found to be wholly useless, was repealed in the 12th of George II. c. 36.

² The first charter of the Stationers' Company originally comprehended 97 persons, who were Booksellers, Stationers, Printers, or persons connected with these occupations. It was granted in the year 1556. and it recited that the

Act invested the Stationers' Company with great power, and gave them a complete monopoly of the whole trade, with all its ramifications, of printing and bookselling, and the importation of foreign literature, and for which, in return, they were to act as watchful agents for the Crown, to protect it from slander and detraction, and to give three copies of every book they published, as specified in the Act. The author here is entirely left out of the question; nor, indeed, can it be said that his interest was much involved in it. The Act itself was only to last two years. Literature was not then a trade. Genius was but of little value as a saleable commodity, and the whole of this kind of property was in the hands of the Booksellers; the small donation, therefore, of three copies of every work they printed, was a very inconsiderable equivalent for the great advantages which were given to them by the Act.

From this time the names of Milton, Dryden, and Newton, produced a new via in literature and science, and literary property became more and more an object of consideration to the trader, though it remained of little importance to the author.

The ultimate sale of the copy-right of the *Paradise Lost* to Milton's widow, in 1680, produced no more than eight pounds; and in 1698, Jacob Tonson paid Dryden for his verses *2l. 13s. 9d.* per hundred: and the author's copy-right was then secured to him or his assignee at *common law*, or was supposed to be so. The Bookseller, however, complained, and had reason to complain, that his property was invaded by adventurers, without principle and without property, and that by common law they were not provided with the means of punishing the offenders, nor of remunerating themselves for the injury they sustained: under this impression, they petitioned Parliament in the 8th of Anne, to remedy this evil. In one of their cases is the following statement: "By *common law*, a bookseller can recover no more costs than he can prove *damage*: but it is impossible for him to prove the tenth,

grant was made to prevent the renewal of great and detestable heresies. It authorised the members of the Company to search for books, &c. and though the Crown had no right over the trade of printing, it was ordered, that no man should exercise the mystery of printing unless he was of the Stationers' Company, or had a licence."

may, (perhaps the hundredth, part of the damage he suffers; because a thousand counterfeit copies may be dispersed into as many different hands all over the kingdom, and he not be able to prove the sale of ten. Besides, the defendant is always a pauper, and so the plaintiff must lose his costs of suit (no man of substance having been known to offend in this particular, nor will any ever appear in it); therefore the only remedy by the *common law*, is to confine a beggar to the rules of the King's Bench or Fleet; and there he will continue the evil practice with impunity. We, therefore, pray that CONFISCATION of counterfeit copies be one of the penalties to be inflicted on offenders."

This is part of the prayer set forth by the members of the Stationers' Company, and its object is clear; and under color of giving *encouragement to learned men to compose and write useful books*, an Act was obtained which required the entry of every book in the Register of the Stationers' Company, to enable the proprietor of such book to claim the benefits of the statute, and from that entry, if the book was afterwards reprinted without the consent of the *true owner*, the offender was to forfeit one penny per sheet, for every sheet found in his possession, half the penalty to the king, and the other half to the informer, and to destroy and make waste paper of the whole of the impression.

This provision was to continue in force for twenty-one years for all books already published, and for fourteen years for all that were in future to be published; and, if the author should survive the latter term, then he or his assignee was entitled to fourteen years more: but for this latter fourteen years, the statute makes no provision, by penalty or otherwise, to secure the property to the owner. For the advantages this Act was supposed to confer on the booksellers, they were to give nine copies to three public libraries, and the six universities of England and Scotland.

This was the sense of the Act, always so understood, as well by the universities, as by authors and booksellers; and upon this ground the Act of the 41st Geo. 3 gave two copies to the King's Inns and Trinity College, Dublin; that they might have the same privileges and rights as the English and Scots universities. The sixth section

of the Act, most unequivocally implies this interpretation of the statute of Anne.

“VI. Provided also, and be it further enacted, That from and after the passing of this Act, in addition to the nine copies now required by law, to be delivered to the warehouse-keeper of the said Company of Stationers, of each and every book and books, which shall be entered in the register-book of the said Company; one other copy shall be in like manner delivered for the use of the Library of the said College of the Holy Trinity of *Dublin*, and also one other copy for the use of the Library of the Society of the King's Inns, *Dublin*, by the printer or printers of all and every such book and books, as shall hereafter be printed and published, and the title to the copy-right whereof shall be entered in the said register-book of the said company; and that the said college, and the said society, shall have the like remedies for enforcing the delivery of the said copies; and that all proprietors, booksellers, and printers, and the warehouse-keeper of the said company, shall be liable to the like penalties for making default in delivering the said copies for the use of the said college, and the said society, as are now in force with respect to the delivering or making default in delivering the nine copies now required by law to be delivered in manner aforesaid.”

By this Act it is evident that, if books were not entered in the register-book of the Stationers' Company, no claim by the English universities was supposed to exist, which was clearly founded upon this plain reason, that if a book was not entered, it could claim no benefit under the statute, and with this impression of its interest and meaning, it was always an affair of calculation by the author or bookseller, whether nine copies were more, or less, than equivalent to the risk of the work's being pirated; and if the risk was thought to be less, it was not entered; this was the case with respect to two of the most expensive works ever published in this country,—Boydell's *Shakspeare*, and Macklin's *Bible*: it was thought by the proprietors of these works, that the protection offered to them by the Act of Anne, was not equivalent to the nine copies, and therefore these works were not entered at the Stationers' Hall; neither did

the universities take any exception to this discretionary power, in these, or in any other similar instances, from the passing the Act of Anne, 1709, till the year 1810, when the University of Cambridge tried their claim against Walker, for a copy of Fox's History of James II. and obtained a verdict on the *letter of the statute*.

This is a brief statement of what the Stationers' Company supposed they had obtained by the Act of Anne, and the extent of what they believed the Parliament intended to grant, so far as concerned the protection of their property, and their remedy by law; nor was it till the year 1774, in the case of Donaldsons and Becket, sixty-six years afterwards, that the booksellers discovered that this Act, which was meant to protect their property, in reality took it away.

From the decision in the House of Lords, which took place upon this occasion, nine judges out of twelve decided that the author's property in his own productions was more valuable before the statute of the 8th of Anne than since: in other words, the statute of the 8th of Anne abridged his right, so that from the misconception of the nature of this Act, as by subsequent interpretation it has been understood, the author had his right *taken* away, and his property *given* away at the same time, and without receiving any compensation. And it ought to be remembered, that the property thus *given* away, is not *imaginary* and *evanescent*.

As early as the establishment of the Stationers' Company, there are records entered upon their books, which show their belief of the existence of a common-law principle which gave to the owners of intellectual property as entire and exclusive a right as could be possessed by manual labor or by purchase.

In the year 1559, persons were fined for *printing other men's COPIES*, and in 1573, there are entries which take notice of the *sale of the COPY*, and the *price*.

In 1582, there are entries of an express proviso, "that if it be found *any other has right to any of the copies*, then the *licence*, touching such of the copies *so belonging to another*, shall be void."

A decree of the Star-Chamber, in 1637, expressly supposed a copy-right to exist otherwise than by patent, order, or entry in the Register of the Stationers' Company, which could *only* be by

COMMON-LAW: and the Licensing Act, in the reign of Charles II. 1662, supposes an *ownership at common-law*. In that Act, the Chancellor and Vice-Chancellor of the Universities, are forbidden to meddle with, or licence the printing of, any book, the right of printing whereof doth "solely and properly belong to any particular person or persons, without his or their consent first obtained on that behalf." The sole property of the owner is here acknowledged in express words, as a *common-law right*: and in the case of *Atkins and the Stationers' Company* the House of Lords acknowledged the common-law right.²

Such cases, and many more might be cited, show that, down to the Act of Anne, there could have been no doubt entertained, by the body of booksellers, of the permanency and perpetuity of their literary property: and how far, in their opinion, this statute affected their common-law right, may be clearly seen in the progress of an action brought by seventeen booksellers of London against twenty-four booksellers of Edinburgh, in the year 1746, to recover damages under the statute for an invasion of their property,³ in which they insist that the statute of the 8th of Anne gave an additional security by penalties during a limited time, to property which existed before; and that it was a declaratory Act and a penal statute, and that the Court of Chancery had always understood it in this sense, and given relief accordingly.

Sir Joseph Jekyll, in 1735, granted an injunction to restrain one Walker from printing the *Whole Duty of Man*, because it was considered to belong to the plaintiff *Eyre*, though the book had been originally published in 1657.

Lord Talbot, in 1736, granted an injunction against one Falkner, an Irish bookseller, for printing Pope's and Swift's *Miscellanies*, the property of the plaintiff, Motte.

Lord Hardwicke, in 1739, in the case of *Tonson and others*, against *Walker*, granted an injunction to prevent the defendant from printing *Paradise Lost*. The original assignment was made in 1667. These were severally acquiesced under. And in the case of *Millar against Taylor*, for printing Thomson's seasons, in

¹ 13 and 14 Charles II. c. 33. § 3.

² Bur. 2315. Carter, b9.

³ Bur. 2319.

1768, in the Court of King's Bench, before Lord Mansfield, Mr. Justice Yates, Aston, and Willes, it was decided by the Court, that the COPY of a book, or literary composition, belonged to the author by the COMMON-LAW, and that the COMMON-LAW RIGHT of authors, to the copy-right of their *own* works, was not taken away by the statute of Anne.¹ This decision of the Judges of the Court of King's Bench was only a confirmation of what had been uniformly understood to be the law of the land, as well before as after the passing the Act of the 8th of Anne. But in the case of Donaldsons and Becket, in 1774, the House of Lords made a new decree, and voted the common-law right to be merged in the statute of Anne.

Previously to this time, the universities of England and Scotland, and the three public schools of Eton, Westminster, and Winchester, had entertained the same opinion as the Company of Stationers with respect to the perpetuity of literary property; but on this decision of the Lords, they petitioned Parliament to bring in a Bill for the *advancement of learning*, to secure to themselves a perpetual copy-right in all books which had heretofore been deemed their property, or which might at any future time become so; and to this effect an Act was passed in the 15th year of his present Majesty.

Thus the universities preserved their perpetual copy-right; the King also retains his copy-right for ever by common law;² but the authors lost theirs by an Act which was meant to strengthen the power of the Stationers' Company, and to give an additional protection and security to their property.

Before the case of Millar and Taylor was argued in the Court of King's Bench, in 1768, no legal investigation had ever been made of the nature and extent of the right of COPY: and here it was decided, in favor of the authors, as a common-law right, notwithstanding the statute of Anne. When the opinions of the Judges were taken in the House of Lords, in the case of Donaldsons and Becket, respecting the common-law right of authors to their *own copy*, before the statute, nine Judges of the twelve decided, that the literary productions of an author were as much his own

¹ Bur. 2407.

² Bur. 2405.

property as that which belongs to any other man, produced by his manual labor; and that an exclusive and perpetual copy-right belonged to him, or his assignee, at *common-law*, upon the same principles of natural justice. And, as to literary works *before* publication, however they may be circulated orally, or given away by transcript, the Judges have been always *unanimous*, that the sole and exclusive right of such works belongs to the author, and so it is now received, as the common law of England.¹

If the same statements and reasoning which led to these conclusions in the minds of such men as Lord Hardwicke and Lord Mansfield, in 1768, had been fully brought before the legislature in the reign of Anne, it is difficult to conceive that any act could have passed for the *encouragement and benefit of learned men*, which, to use Lord Mansfield's words, should be in direct opposition to natural principles, moral justice, and the fitness of things.²

At common law, every one enjoys the reward of his labor, and he enjoys it for ever; and, as Mr. Christian has well expressed it, if any private right ought to be preserved more sacred and inviolable than another, it is that where the most extensive benefit flows to mankind from the labor by which it is acquired; and intellectual property, though differing from the substantial form of tangible things; yet, under whatever denomination of right it may be classed, it is founded upon the same principles of general utility to society, which is the basis of all other moral rights and obligations.

Thus considered, an author's copy-right ought to be esteemed an inviolable right, established in sound reason and abstract morality.²

It is a general opinion, that the interest of the Author is closely combined with the privileges of the Bookseller, and that they each partake in common in the disadvantages of any restraint or tax that the law may think fit to impose on the sale of books.

At first sight it might seem that any privilege granted to the Booksellers, or security to them, would also be an advantage to

¹ See the case of Lord Clarendon's Representatives and Gwynn, cited by Lord Mansfield, Bur. 2398.

² Black. Com. vol. II. p. 407. A Note.

the Author, and thus is now the language of the *Trade*, but as I am not of the same opinion, I shall make my statement with impartiality, and if I am wrong I shall be glad to be set right, as *correct truth*, in all its parts, is my sole object in the investigation of this whole question. In the first place, it is quite evident that the Bookseller, as bookseller, cannot be injured by any limitation that the law may think fit to prescribe to intellectual labor, as the Author can in no case expect to be paid for more than he has the power to sell. Consequently, every limitation to common-law principles in this question must bear wholly upon the Author, and in proportion to his restraints and limitations, he alone will be injured.

By the extinction of the common-law right in Authors to their works, Booksellers, from their power of combining together as a body, have not been injured in the copy-right they have purchased, from time to time, in the same degree, as the solitary scholar.

That this may be more conspicuous, it may be necessary to observe, that after a Bookseller has purchased the Author's limited term, he can at any time bring the whole property, or any proportion or share of it, into the market among his own fraternity, as *Omnia* or *Scrap* is brought into the Stock Exchange, and thus combine the interests of the most numerous or the most wealthy in the trade, and when the *copy-right* has no longer any validity by the Act of Anne, they have this resource against what they call, the vicarial trader. They can easily purchase or procure, at a small expense, some additions, in the shape of Note or Anecdote, to incorporate or append to the expired copy-right, and thus it becomes renovated for another fourteen years, at least so far as these notes and additions; which, although they may be very trifling, or perhaps of no importance at all, yet they will secure to the Edition a decided preference in the market. Besides, by combining together, they can always, in some degree, favor the sale of their own edition in preference to any other that may be published in hostility to the general interest. The efficiency of the system cannot be better illustrated than by a simple statement.

On the 2th of October, 1812, the *copy-right* of Cowper's Poems was put up to sale among the members of the trade in thirty-two

shares. Twenty of these shares were sold at 212/ a share, including printed copies in quires to the amount of 82/ which each purchaser was to take at a stipulated price, and twelve shares were retained in the hands of the proprietor. This work, consisting of two octavo volumes, was satisfactorily proved at the sale to nett 83 1/2 per. annum. It had only two years of *copy-right*, and yet this same copy right, with the printed copies, produced, estimating the twelve shares which were retained, at the same price as those which were sold, the sum of 6704/.¹ Had the author himself been to dispose of this *expiring right*, he would doubtless have been reminded of the Statute of Anne, and twice the annual

¹ These shares were bid for in money, and then printed copies of books in quires were to be taken as Thrice observed, at a stipulated price—the exact sum in money was 1101 for each share except the first, which was sold for 1101 and the copies in quires were appended to the amount of 81 for each share so that without taking this condition into the account, the nett sum in money for the whole *copy-right* would be 11101 and supposing the entire two pounds' worth of paper and printing to be at the *cost price*, the stock in hand would amount to 26 1/2 which at the lowest circulation, if considered as *net real*, could not possibly nett a less sum as profit—consequently, the stock in hand would be underestimated at three years consumption, allowing the annual profit to be still as stated at the sale—so that the sum of 11101 may be said, in the mode of stating the case to be given for the *copy-right* of a book one year after its term, by the Statute of Anne, was expired.

Cowper's Poems on sale which were to be taken at a stipulated price by the purchasers of shares of *copy-right*, were different edition or different sizes, suited to the market. The present editions upon sale are, one in 8vo with plates 11 6 one 3vo without plates 11 1s one foolscap vo 11 one ditto of inferior printing and price 7s one 12mo stereotype, 9s. The entire the prices to the public, in boards. Each edition is in two volumes.

Every edition of a book of 750 is calculated to pay 1/3 the expenses of *copy-right*, when half the number are sold, and if the edition consists of 1500 copies, less than half is calculated to pay the expenses—and if the book be ornamented with prints, they are taken into the general estimate, and the price of the book is regulated accordingly. Every new book consisting of one or two 8vo volumes is calculated to cost 6/ to advertise it, which makes a part of the first estimate, but in subsequent editions this sum is necessarily diminished in proportion as the book is known and established.

That the reader may be in possession of a correct statement of the expenses of an edition of a book, the *items* of expense of the first edition of *Shakespeare* in 21 volumes which I have been favored with by an Editor, may be at once satisfactory and common.

The edition consisted of 1500 copies, making 11 volumes in 8vo. and each copy was published in boards for eleven guineas.

amount of the profits, under the limitation of the Statute, would exceed what, in reason, he could have had any right to claim or expect. This statement speaks so clearly, that, I trust, it cannot be at all necessary to illustrate the facts by any comment; but it may not be unnecessary to remind the reader, that the Author of the *Task* was obliged, at the decline of his life, a life chequered with more than ordinary calamity, to be assisted and relieved by the Crown, and that Johnson, who bought his works, was, without dispute, one of the most liberal booksellers in the trade.

When so many arguments have been advanced against the evils of perpetual copy-right to *Authors*, and the injury that the Public would sustain by giving to learned men the sole enjoyment of their labors, and the exclusive right to the result of that study, which, for their whole lives, consigned them to solitude; it surely cannot be generally known that at this day COPY-RIGHT, even in Shakspear, is a monopoly, and sold as regularly in the Booksellers' market as if it belonged to the Poet's heirs at law; and a share in Shakspear's works to any member of the trade is now just as good property as a share in the 3 per cents. In like manner, copy-right in Milton, and Dryden, and Pope, &c. is as much a

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Since the printing of this Pamphlet, another edition of Shakspear has been published, in 21 vols. price 12 guineas.

part of the personal property of a Bookseller, and disposed of at his death or otherwise, as the shelves in his shop, yet no harm is supposed to result from this commercial arrangement; *Authors* are the only persons to be feared, lest they may do injustice to the Public by withholding their works after they have once published them, or, in subsequent editions, by corrections, spoil them. This alarm appears to me to be very ill-founded, which the Public will one day or other know, if they have not found it out already; our purest and best Authors will be so disfigured by annotation, and increased in price by increased bulk, that the first edition of an Author will be called for. This has already happened with respect to Shakspear, and the edition of Milton, in duodecimo, of 1711, is still the most correct. In the reign of Anne, a provision to take care of the Public was inserted in the Booksellers' Penal Statute, investing certain persons of high rank and distinction with a power to regulate the price of books if the Bookseller sold them too dear; but the private interest of individuals is a better security to the Public, and in such cases they regulate affairs of trade far better than any legislature ever did or can do, and this useless clause was, thirty years afterwards, repealed. •

As the booksellers are praying for an extension of copy-right, when it has been shown how little advantageous it would be to them, as in the case of Cowper's works, from their power of uniting together, to effect the same result, it has been asked of the author of this pamphlet, why, under these circumstances, they should require any legal extension of copy-right, when the authors alone are represented to be the only persons who can be benefited by such legal extension, and, that being the case, "authors ought to be very much obliged to booksellers for their present exertions in their behalf;" but here the bookseller is in a double capacity; as a vender of books, he is a mere bookseller; but as a holder of copy-right, he is in the place of an author; and the powerful opposition that Edinburgh and Dublin can make to the London trade, makes it desirable to the London bookseller to extend his *legal* term of copy-right.

I have already observed, that individuals always had exclusive copy-right in England, till the year 1774, and down to that time there is no instance of any complaint, from the public, of this in-
 a-

ginuary evil of monopoly. The *Paradise Lost* was in the hands of one family for nearly a century,¹ and of that book, it is well known, editions were never wanted which were not as immediately supplied.

I shall now say a few words on the reasoning of Mr. Christian, as the Advocate of the University claims, as he has printed a statement of all the facts upon which the University rests its claim of *right* to a copy of every book printed in the United Kingdom.

The statute of Anne has undoubtedly conferred on the University this legal right, nor shall I contend against it. To canvas the origin of property, would lead to useless speculations, incapable of producing any salutary conclusions; yet in this case, I trust, it may be clearly shown, that at the time that statute was made, the Commons of England were not then in possession of all the facts which appeared to make their legislative interposition necessary, nor did the Act, when made, contemplate its present consequences.

This claim by the University is contended by their Advocate to be just and equitable, upon the ground that it is only a substitution for one previously existing, far more valuable and important: I shall therefore consider their claim in that view.

The basis on which he rests the equity of his case, is founded upon the grant of Henry VIII. to the University of Cambridge, to print, *omnes et omnimodos libros*; which, according to his opinion, entitled them to print other men's *COPIES*, and which being taken from them by the Act of Anne, they received, in lieu of this *right*, one copy of every new book that was printed.

A very moderate, and, I must say, a very inadequate compensation, provided this right existed at all, or that this grant was a compensation for its abandonment.

Much stress has been laid by Mr. Christian upon this patent or privilege, which, he says, the king had a more than ordinary pretension to grant, because *it is said* that Hen. VI. brought the art of printing into this country at his own charge and expense.² This argument, allowing it to have all the weight that he considers it to

¹ The elder Topham bought a half-share of *Paradise Lost* in the year 1683, and seven years afterwards he bought the other half, which property was transmitted to his son, and after his death in 1769 was sold by auction to the trade.

² *Vindication of the Right of the Universities*, p. 5.

be *legally* entitled to, could only extend to printing as a mechanical invention, which in no way affects the author as to the copy-right of his own property, and the King of England *never had the prerogative* to take away, at his will and pleasure, any right that belonged to one subject to give it to another. As to the part respecting compensation, as this appears to me so very extraordinary an assertion, to avoid misrepresentation, or the suspicion of unfair comment, I will recite the words of the learned author himself:

“When the copy-right Act of Queen Anne gave the author the sole right of printing and publishing his work for fourteen years, *the King’s grant to the Universities was in effect revoked*. It became therefore reasonable and equitable that some provision should be made for the universities; and surely a copy of every new publication, or of each edition of every work, which gave the author or editor a copy-right, was a cheap compensation for the right which the universities before possessed. Their previous right was to print at least one copy of every new book for each of its members; and all they got in exchange was a single copy for the whole during the continuance of the author’s or editor’s copy-right of fourteen or twenty-eight years.”

“The grant of the Crown to the Universities to print all manner of books, which was *annulled by the Copy-right Act* with respect to new publications, is a strong authority to prove the reason and justice of the right of the universities to a copy of every new publication.”

These opinions are so clear and distinctly expressed that they leave no room to doubt as to their meaning; and when, in the course of the short pamphlet which contains them, Mr. Christian has quoted or referred to the statute of Anne no less than fifteen times, and has employed nearly eight pages in an analysis of the statute, clause by clause, and section by section, so far as any part of the Act could be supposed to bear upon the present question;² I feel distrust in myself while I quote the ninth section of the same

¹ Vindication of the Right of the Universities, p. 7 and 18.

² Mr. Christian’s analysis extends to the five first sections, after which, he concludes by saying, “The statute contains six more short sections; but they do not appear to affect the present question.” Vindication, &c. p. 24.

statute, which, in my apprehension, is in direct opposition to his main assertion. The words of the section are,

8th of Anne, c. 19, § 9.

“ Provided that nothing in the Act contained shall extend, or be construed to extend, either to prejudice or confirm any right that the said universities, or any of them, or any person or persons have, or claim to have, to the printing or re-printing any book or copy already printed, or hereafter to be printed.”

After reading this section, how it be possible to understand that any former grant of the King, by patent, or otherwise, of a right to print any sort or description of books, was in effect *revoked* or *annulled* by this statute of Anne, I am wholly at a loss to conceive.

The universities at this day have all the privileges they ever had, and when the perpetuity of their own *copy-right* was wrecked in common with that which belonged to others by the decree of the Lords in 1774, in the very next session of Parliament their lost *common-law rights* were restored to them by statute.¹

The grant of nine copies by the Act of Anne to the Universities and Public Libraries was, as I have already stated, founded upon the same principles as the grant of the three copies by the Licensing Act of the 13th and 14th Charles II. and in both cases, if the Legislature can be supposed to have considered authors as involved in them, it can be understood in no other way than as a sumptuary tax may be supposed to operate on those who sit at the loom, or the pale artist that turns the lapidary's wheel. Copy was entirely in the hands of the booksellers, and, from our knowledge of those times, it is not at all difficult to see how the author was then situated with his patrons. He who was so unfortunate as to hope for a subsistence by literature, must have been completely within their power, when such a man as Dryden found it necessary to solicit the presence of Lord Bolingbroke, to screen himself from being ill treated by a bookseller, who exercised the authority of a taskmaster.²

¹ 15 of Geo. III. c. 53.

² “To the mercantile ruggedness of that race the delicacy of the poet was sometimes exposed. Lord Bolingbroke, who in his youth had cultivated poetry,

The trade of literature, and not its production, was the sole view of the Legislature. In the Licensing Act, the grant was a slight tax upon the printing and the commerce of books, to give something to the scholar for the great advantages that Act gave to the trader; and when these benefits ceased by the expiration of the Act, the claim of the Universities expired with it. When the booksellers prayed for new privileges by the Act of Anne, the universities, for the same reasons, were then included; and as Scotland and England, by the Act of Union, had now the same Parliament, copies of books for the Scots Universities were also added. This seems to be the true reason, and to be wholly independent of reference to any previous right that Oxford or Cambridge had to print other men's copies.

"The booksellers and purchasers of copy-right have no interest in the present question. Whether nine or ninety copies are given away, it is all one to them. They can calculate their loss and gain, advantage and disadvantage, to the greatest nicety: they can either give the author less, or make the public pay more; and therefore they have no interest in the present question."¹

Mr. Christian observes, that "the rights of *poor students* ought to be held as sacred as those of *poor authors*."² All rights, if they be just, ought to be sacred to whomsoever they belong. But can those be said to be just which take from the *poor author*, by an arbitrary assessment, the earnings of his genius and his industry, for which he has no return? Neither, in my apprehension, is the doctrine very sound that permits one man to be injured that another may be benefited, however in some extreme cases the necessity of the distressed may temper justice with compassion; but here, even by the Professor's own declaration, the *poor student* is not the person whose cause he is advocating; "for a *very small proportion*

related to Dr. King, of Oxford, that one day, when he visited Dryden, they heard, as they were conversing, another person entering the house. 'This,' said Dryden, 'is Tonson. You will take care not to depart before he goes away; for I have not completed the sheet which I promised him; and if you leave me unprotected, I must suffer all the rudeness to which his resentment can prompt his tongue.'" Dr. Johnson's *Life of Dryden*, vol. ii. p. 99.

¹ *Vindication of the Right of the Universities, &c.* p. 12—34.

² *Ibid.* p. 7 and 34.

of the members of the university reside long enough to derive much benefit from the public library."¹

The extent of the tax now enforced by the university, according to Mr. Christian's own calculation, cannot be less than 4400*l.* per annum, for *valuable* books,² not to say any thing of countless numbers of publications which cannot be supposed to come under this denomination, and without taking into the account 52 Reviews and Magazines, producing more than a thousand a-year, and 316 Newspapers and Weekly Journals, per week, which, if averaged at sixpence each, would amount to 4500*l.* both together operating as an annual tax of upwards of 5500*l.* more: all of which are within the statute of Anne.³ It is, however, argued by Mr. Christian, that although this would be a positive loss to the universities and public libraries, yet it is only a negative loss to the author; for if "all the copies of an edition are sold, the author will receive sufficient remuneration for his labor after giving his copies, and if they are not sold, the donation will cost him nothing."⁴ This assertion is ex-

¹ Vindication of the Right of the Universities, p. 11.

² The public library of the University of Cambridge is not open to undergraduates, nor graduates under the degree of A. M. Even those who have taken the degree of Bachelor of Arts, must wait three years for the *togatus*, before they can derive any benefit from the university library in their own right, and then they have the full use of it, as a circulating library. Oxford, upon the present occasion, would have much more reason to complain, if that University thought it consonant to its dignity, to join in the prosecution of authors, since the use of the Bodleian is not refused, by Convocation, even to an undergraduate, properly recommended, to derive all the advantages from the library, in the same manner and to the same extent as if he were a Doctor in Divinity. When an undergraduate has taken his Bachelor of Arts degree, he is admitted to the use of the library in his own right.

³ "The revenue necessary to purchase the *valuable* books, which I conceive we are at present entitled to, cannot be estimated, I apprehend, at less than 4400*l.* a-year." This is Mr. Christian's estimation of the worth of the *valuable* books only to one claimant. *Vindication* p. 10.

I have put the amount agreeably to the donation of eleven copies. It may however be urged, that the statute of the 41st of George III. which intended to give the copies to Ireland, might be evaded, but I trust that my not availing myself of this flaw will not be considered as an inaccuracy in the statement.

⁴ The statute in the preamble comprehends "books and other writings." See the Case of Clementi and Goulding, East. T. R. Vol. II. p. 214.

traordinary in a gentleman who is an author himself. Among the privileges which the university enjoys, it has a drawback upon paper, which *poor authors* have not: but the printer, by the usage of trade, is always paid for his labor by the number of 250 at a time; that is, if he prints only ten copies of a work, he is paid the same precisely as if he printed 250 copies; if he is commissioned to print 251 copies, he is paid for printing 500; if 501, he is paid for 750; and so on in that ratio. This circumstance is always taken into consideration by the author who has a book to print, and it is his interest to estimate rather under than over the probable demand for his book, because he is very seldom rich, and it would destroy his little profits if he were to have a dead stock of paper, which he is obliged to pay for at three months' credit, at a very high price, while he is obliged to give the bookseller nearly two years' credit¹; and, secondly, because it is always a gratifying feeling for him to be conscious that his work will not be sold for waste paper; and, with a *valuable* book, one of these two things must always happen, that if the author prints a discreet number they will be all sold, and the latter copies at an advanced price, if the demand is not sufficiently great for him to re-print it; or, if he prints more than there happens to be a demand for, he is injured, or ruined, by his imprudence: numerous instances of both kinds might be cited; so that in the former case, the author not only gives away the whole original price of his book, but somewhat more, and, in the latter, the universities are benefited by that which is the cause of his ruin.²

¹ This statement is founded upon documents in the possession of the author, but Mr. Rees informs him that this extent of credit is not general in the trade; that ten or twelve months is the practice of their house, and that they often advance money to authors at different times when they are in need.

² Mr. Brand's History of Newcastle was for a long time upon brokers' stalls, from his imprudence in printing too large an impression; while the works of Horace Walpole, almost as soon as they were published, doubled or trebled their price. If Mr. Fox had been as imprudent as the bookseller in publishing his History, and had been so unfortunate as to be a *poor author*, he would have been ruined by the edition of his book; for though a name quite as attractive as that of a Horace Walpole or Earl of Orford, yet this same History, which was sold to the public for 1l. 16s., was soon afterwards to be bought in St. Giles's for ten or twelve shillings; and upon one occasion there were no less than thirteen hundred copies sold for seven shillings a copy.

On a general view of this question, from the facts I have stated, it is obvious, that the Act of Anne, which is expressly made for the encouragement of learned men to write useful books, never could have had in contemplation the depriving these very men of not less than four thousand four hundred pounds a-year; neither does it appear more probable, as Mr. Justice Willes has observed, that the Bill which was intended to secure the property of authors, could be meant to operate as an Act to take it away.

Under these circumstances, it is for the legislature to consider the merits of the case, and if it be *just*, to restore the authors to their lost rights; but if this should be incompatible with any measure of policy that may be more expedient, it is sincerely to be hoped that they may not be made a party to any Act, however plausible, and be "brought with divers glossing colors to the House," which may increase the pensioners on the literary fund.

As the demand of the University of Cambridge, according to their Advocate, "*is made to encourage learning*," I hope the Vice-Chancellor and the Heads of Houses will re-consider the nature and extent of their claim, and assist their adventuring sons to obtain the same privilege which they obtained for themselves by the Act of the 15th of George III. Or, at least, that they will refrain from taking from them, that, for which they give them nothing in return.

Upon the decision of the Lords, which gave the Act of Anne its restrictive meaning, as Lord Camden was one of the most eloquent of those who opposed the perpetuity of literary property, I shall conclude this address with a comment on the conclusion of that speech, in which his Lordship thus expressed himself: "Glory is the reward of science; and those who deserve it, scorn all meaner rewards. I speak not of the scribblers for bread, who tease the press with their wretched productions. Fourteen years are too long a period for their perishable trash. It was not for gain that Bacon, Newton, Milton, Locke, instructed and delighted the world. When the bookseller offered Milton five pounds for his *Paradise Lost*, he did not reject it, and commit his poem to the flames, nor did he accept this miserable pittance as the reward of his labor;

he knew that the real price of his work was immortality, and that posterity would pay it."

In this eloquent declamation, with great deference to my Lord Camden, I am at a loss to find the argument. If glory be the reward of learning and science, why are not those who possess these eminent qualities permitted so to live that they may be capable of enjoying the respect that is due to their genius and attainments? Should they who merit every thing have nothing? should those who administer to civilization, to refinement, to the polish of society, to the highest luxury of our intellectual existence, be themselves in obscurity, and unknown? Because Milton deserved and has obtained an immortality, ought his grand-daughter to have been contented, had she begged her bread in the streets? and ought we to be satisfied who have been *delighted and instructed* by her grandfather, that she was poor, and glad to receive alms at our hands? Because there are some upworthy writers who are scribblers for bread, and some scribblers more unworthy, who are rich enough to be independent of the smiles and frowns of fortune, yet why should the public, in either case, be abridged of their prerogative, to patronize or reject these trifles as they may see good? The name of Howard, and the ancient and illustrious dignity of a Duke of Norfolk, could not force his *Thoughts, Essays, and Maxims*, into a second edition,¹ nor could an Act of Parliament, with all the magnificence of paper and typography, and the influence of office, rescue Small Pybus's *SOVEREIGN* from a premature oblivion: it must, therefore, be equally unnecessary and unavailing to make an Act of Parliament to preserve *perishable trash* for fourteen years, which the public will not permit to live more than as many days or weeks; and to define by law the works that shall live

¹ The title of this book is *THOUGHTS, ESSAYS, AND MAXIMS, CHIEFLY RELIGIOUS AND POLITICAL: By Charles Howard, Esq. of Greystock, in Cumberland*: and there was no object for which the author was more anxious than that the book should arrive at the honor of a second edition. Mr. Howard, in common with the wits of his time, frequented the Chapter Coffee-house, and so long as nine years after the publication of his book, when he was in possession of the title of DUKE OF NORFOLK, he said one day to Foote in the coffee-room, "Foote, my *THOUGHTS* are going to a second edition:" to which Foote answered, "I am glad of it, my Lord Duke, *Second thoughts are best*." But this desirable event never took place.

no longer, is to measure all authors on the iron bed of Procrustes. Although it be a noble incentive to enthusiasm to have a prospect of immortality in fame, and, when obtained, no ornament becomes a library so well as the resemblance in marble of an eminent Poet, Historian, or Philosopher; yet, my Lord, it should not be forgotten, that when he was alive he was a man.

A Summary of the Case.

There was copy-right in literary property, after publication, to the Author or his assignee at common law, always understood, believed, and acted upon, till the year 1709, and the Chancellors of England uniformly recognized the common-law right down to that time.

Upon the question of, Whether the common-law right was taken away by the Statute of Anne? the Judges were divided, six for the question, and six against it; and the Lords turned the balance in favor of the Statute.

The copy-right before the work be printed and sold, however distributed or dispersed, still remains the property of the Author or his assignee at common law.

The King's copy-right of works which have been bought by him or his predecessors, he retains as his exclusive property, at common law.

The Universities and the Public Schools have perpetual and exclusive copy-right in their literary property, restored to them by the Statute of the 15th of George III. 1775.

The Booksellers lost their perpetual copy-right in the year 1774, by the Act which they obtained in the 8th of Anne. But by the power which they have, as a body, of combining together, they have been able to parry the loss, so as only to feel its effects in a very slight degree.

The Authors lost their perpetual copy-right by this same Act of Anne, and by no indiscretion of their own, and they have no means of parrying the effects of that loss.

¹ Lord Mansfield, as a Peer of Parliament, upon this occasion did not deliver his legal opinion as a judge, but in his place supported his former decision against the statute.

No subsequent Act of Parliament has been made to restore to Authors the exclusive right of their own talents and industry ; but they are now compelled, by a learned Body which Parliament has restored to *their* lost right, to pay 4400*l.* a year, to be enforced by that very Statute by which authors lost their *common-law* right : for, “ Booksellers and purchasers of copy-right are, upon the present occasion, entirely *hors de combat*.”²

Much fear has been entertained lest a rigid adherence to the rule of right in ordinary cases, which gives to an owner exclusive possession to his own property, should be injurious to the public, if extended to Authors with respect to their literary productions. This apprehension seems to have been groundlessly entertained by the Parliament in the reign of Anne, and a provision to take care of the public was inserted into the Booksellers’ Penal Statute of that reign, that certain persons of high rank and distinction were to regulate the price of books if the bookseller sold them too dear. But the private interest of individuals is a better security to the Public, and in such cases they regulate affairs of trade far better than any Legislature ever did or can do ; and this useless clause was, thirty years afterwards, repealed.

It has been already observed, that individuals always had exclusive copy-right in every book that ever had been written in England till the year 1774, and down to that time there is no instance of complaint from the public of this imaginary evil of monopoly. The *Paradise Lost* was in the hands of one family for nearly a century ; and of that book, it is well known, editions were never wanted which were not as immediately supplied.

It is therefore prayed, that the Vice Chancellor, and the Heads of Houses of the University of Cambridge, would re-consider their claim, and assist literary men in soliciting Parliament to gain the same privilege for Authors as they obtained for themselves in the 15th of George III. ; and let it not be said in the emphatic words of Dryden, “ that they who teach wisdom by the surest means shall generally live poor and unregarded, as if they were born only for the public, and had no interest in their own well being, but were to be lighted up like tapers, and waste themselves for the benefit of others.”

² Vindication of the Right of the Universities, p. 12.

The Arguments of Lord Mansfield, in favor of the Author's perpetual Copy-right; and of those Judges whose Arguments he read, approved, and adopted:

FROM premises either expressly admitted, or which cannot, and therefore never have been denied, conclusions follow, in my apprehension, decisive upon all the objections raised to the property of an author, in the *copy of his own work*, by the *common law*.

I use the word "*COPY*," in the *technical* sense in which that name or term has been used for ages, to signify an *incorporeal right to the sole* printing and publishing of somewhat intellectual, communicated by letters.

It has all along been expressly admitted, "that, by the *common law*, an author is intitled to the copy of his own work *until* it hath been once printed and published by his authority;" and "that the four cases in Chancery, cited for that purpose, are *agreeable to the common law*; and the relief was *properly* given, in consequence of the legal right."

The property in the copy, *thus abridged*, is *equally* an incorporeal right to print a set of intellectual ideas or modes of thinking, communicated in a set of words and sentences, and modes of expression. It is *equally* detached from the manuscript, or any other *physical* existence whatsoever.

The property *thus abridged* is *equally* incapable of being violated by a crime *indictable*. In like manner, it can only be violated by another's printing without the author's consent: which is a *civil* injury.

The only *remedy* is the same; by an action upon the case for damages, or a bill in equity for a specific relief.

No action of *detinue*, *trover*, or *trespass quare vi et armis*, can lie; because the *copy thus abridged* is *equally* a property in *notion*, and has no corporeal tangible substance.

No *disposition*, no *transfer* of paper upon which the composition is written, marked, or impressed, (though it gives the *power*

to print and publish,) can be construed a conveyance of the copy, without the author's express consent "to print and publish;" much less against his will.

The property of the copy, thus narrowed, may equally go down from generation to generation, and possibly continue for ever; though neither the author nor his representatives should have any manuscript whatsoever of the work, original, duplicate, or transcript.

Mr. Gwynn was intitled, undoubtedly to the paper^t of the transcript of Lord Clarendon's History; which gave him the power to print and publish it, after the fire at Peterham, which destroyed one original. This might have been the only manuscript of it in being. Mr. Gwynn might have thrown it into the fire, had he pleased. But at the distance of nearly a hundred years, the copy was adjudged the property of Lord Clarendon's representatives; and Mr. Gwynn's printing and publishing it *without their consent*, was adjudged an injury to that property; for which, in different shapes, he paid very dear.

Dean Swift was certainly proprietor of the paper upon which Pope's Letters to him were written. I know, Mr. Pope had no paper upon which they were written; and a very imperfect memory of their contents; which made him the more anxious to stop their publication, — knowing that the printer had got them.

If the copy belongs to an author, after publication, it certainly belonged to him before. But if it does not belong to him after; where is the common law to be found which says "there is such a property before?" All the metaphysical subtleties from the nature of the thing may be equally objected to the property before. It is incorporeal: it relates to ideas detached from any physical existence. There are no *indicia*: another may have had the same thoughts upon the same subject, and expressed them in the same language *verbatim*. At what time, and by what act does the property commence? The same string of questions may be asked, upon the copy before publication: is it *real* or *personal*? does it go to the heir or to the executor? being a right which can only be defended by action, is it, as a chose in action, assignable or not? can it be forfeited? can it be taken in execution? can it be vested in the assignees under a commission of bankruptcy?

The common law, as to the copy before publication, cannot be found in custom.

Before 1732, the case of a piracy *before* publication never existed: it never was put, or supposed. There is not a syllable about it to be met with any where. The regulations, the ordinances, the Acts of Parliament, the cases in *Westminster-Hall*, all relate to the copy of books *after* publication by the authors.

Since 1732, there is not a word to be traced about it; except from the four cases in chancery.

Besides, if all *England* had allowed this property two or three hundred years, the same objection would hold, "that the usage is *not immemorial*:" for printing was introduced in the reign of *Edw. 4th*, or *Hen. 6th*.

From *what source*, then, is the common law drawn, which is admitted to be so clear, in respect of the copy *before* publication?

From *this* argument—because it is *just*, that an author should reap the pecuniary profits of his own ingenuity and labor. It is *just*, that another should not use his name, without his consent. It is *fit*, that he should judge when to publish, or whether he ever will publish. It is *fit* he should not only choose the time, but the manner of publication; how many; what volume; what print. It is *fit* he should choose to whose care he will trust the accuracy and correctness of the impression; in whose honesty he will confide, not to foist in additions: with other reasonings of the same effect.

I allow them *sufficient* to show, "it is agreeable to the principles of right and wrong, the fitness of things, convenience and policy, and therefore to the common law, to protect the copy *before* publication."

But the *same* reasons hold, *after* the author has published. He can reap no pecuniary profit, if, the next moment after his work comes out, it may be printed upon worse paper and in worse print, and in a cheaper volume.

The 8th of *Queen Anne* is no answer. We are considering the common law, upon principles *before*, and *independent* of that Act.

The author may not only be deprived of any *profit*, but *lose* the expense he has been at. He is no more master of the use of his own name. He has no control over the *correctness* of his own work.

He cannot *prevent additions*. He cannot *retract errors*.¹ He cannot *amend*; or *cancel* a faulty edition. Any one may print, pirate, and perpetuate the *imperfections*, to the disgrace, and against the will of the author; may propagate *sentiments* under his name, which he *disapproves*, *repents*, and is *ashamed of*. He can exercise no discretion as to the *manner* in which, or the *persons* by whom his work shall be published.

For these and many more reasons, it seems to me just and fit "to protect the copy *after* publication."

All objections which hold as much to the kind of property *before* as to the kind of property *after* publication, go for nothing: they prove *too much*.

There is *no peculiar* objection to the property *after* except that the copy is *necessarily made common*, after "the book is once *published*."

Does a transfer of paper upon which it is *printed*, necessarily transfer the copy, more than the transfer of paper upon which the book is *written*?

The argument turns in a circle: "The copy is made common, because the law doth not protect it: and the law cannot protect it, because it is made common."

The author does not mean to make it common: and if the law says "he ought to have the copy *after* publication," it is a several property, easily protected, ascertained and secured.

THE WHOLE then must finally resolve in this question, "whether it is agreeable to *natural principles*, moral justice and fitness, to allow him the copy, *after* publication, as well as *before*."

The *general consent* of this kingdom, for ages, is on the *affirmative* side. The *legislative* authority has taken it for granted; and interposed *penalties* to protect it for a time.

The *judicial opinions* of those eminent lawyers and great men who granted or continued *INJUNCTIONS*, in cases *after* publication, not within 8 Queen Anne; uncontradicted by any book, judgment, or saying; must weigh in *any* question of law; much more in a question of mere theory and speculation as to what is agreeable or repugnant to *natural principles*. I look upon these *injunctions* as *equal* to any final decree.

Whoever has attended the court of chancery, knows that if an

injunction in the nature of an injunction to *stay waste* is granted upon motion, or continued after answer, it is in vain to go to hearing. For such an injunction never is granted upon motion unless the legal property of the plaintiff be made out; nor continued after answer, unless it still remains clear, allowing all the defendant has said. In such a case, the defendant is always advised, either to acquiesce, or appeal: for, he never can make a better defence than is stated upon his own answer.

The case of *Millar* against *Taylor*, was not sent from the Court of Chancery to the Court of King's Bench, upon any doubt of theirs. There never was a doubt in the Court of Chancery, till a doubt was raised there from decency, upon a supposed doubt in this Court, in the case of *Tonson* and *Collins*. There is not an instance of an injunction refused, till it was refused upon the grounds of that doubt. The Court of Chancery never grant injunctions in cases of this kind, where there is any doubt. No injunction can be obtained till the Court is satisfied "that the plaintiff has a clear legal right." A doubtful legal title must be tried at law, before it can be made the ground of an injunction. Injunctions of this kind are rightly and properly refused. In a doubtful case, it would be *iniquity* to grant them; because, if it should come out "that the plaintiff has no legal title," the defendant is injured by the injunction, and can have no reparation.

If it be agreeable to natural principles, to allow the copy after publication, I am warranted by the admission which allows it before publication, to say, "this is common law."

There is another admission equally conclusive.

It is, and has a long been admitted, "that by the common law, the KING's copy continues after publication; and that the unanimous judgment of the Court of King's Bench, in the case of *Baskett* and *The University of Cambridge*, is right."

The king has no property in the art of printing. The ridiculous conceit of *Atkins* was exploded at the time.

The king has no authority to restrain the press on account of the subject-matter on which the author writes, or the manner of treating it.

The king cannot, by law, grant an exclusive privilege to print any book which does not belong to himself.

Crown-copies are, as in the case of an author, civil property which is deduced, as in the case of an author, from the king's right of original publication. The *kind* of property in the crown, or a patentee from the crown, is just the *same*; incorporeal, incapable of violation but by a civil injury, and only to be vindicated by the same remedy, an action upon the case, or a bill in equity.

Acts of Parliament are the works of the *legislature*: and the publication of them has always belonged to the King, as the *executive* part, and as the *head and sovereign*; and in this property the king might grant a *concurrent* right; but no idea was ever entertained "that the first edition of Acts of Parliament made the copy *common*." And yet any man may transcribe an Act of Parliament, or a record: and any person may make laborious searches and abstracts from records, and have a right to print them.

LORD HARDWICKE reasoned in, the same way, in the case of *Manby and others* against *Owen and others*, on 8th April, 1755, relating to the Sessions-Paper. The plaintiffs had bought the Sessions-Paper of my Lord Mayor, and had (I think) given him a hundred guineas for it. And upon an affidavit "that the Lord Mayor had always appointed the printers of that paper; and that it was usual for the Lord Mayor to take a sum of money for it; and that the defendant had pirated it:" LORD HARDWICKE considered the grant as property in the copy, and granted the injunction upon the foot of *property*; and never dreamt "that the first edition of it made it *common*." This was acquiesced under: and the defendants were not advised to proceed further. Nothing is more manifest, than that the injunction proceeded upon the infringement of the plaintiff's property: for, as, a contempt of the court of the *Old Bailey*, the Court of *Chancery* would not have interfered. But they were of opinion "that the copy was transferred to the plaintiff, and that it was *not made common* by the first publication."

If the Common Law be so in *these* cases, it must also be so in the case of an *author*. All the reasoning "that subsequent editions should be *correct*," holds equally to an *author*. His name ought not to be used against his will. It is an *injury*, by a faulty, ignorant, and incorrect edition, to disgrace his work and mislead the reader.

The copy of the *Hebrew Bible*, the *Greek Testament*, or the *Septuagint*, does not belong to the King: it is *common*. But the

English translation he bought: therefore it has been concluded to be *his property*. If any man should turn the *Psalms*, or the writing of *Solomon*, or *Job*, into verse, the King could not stop the printing or sale of such a work: it is the author's work. The King has no power of control over the subject-matter: his power rests in *property*. His whole right rests upon the foundation of *property in the copy* by the *Common Law*. What other ground can there be for the King's having a property in the *Latin Grammar*, (which is one of his ancientest copies,) than that it was originally composed at *his expense*? Whatever the *Common Law* says of *property* in the KING's case, *from analogy to the case of authors*, must hold *conclusively*, in my apprehension, *with regard to* AUTHORS.

The SUBJECT at large I have had frequent opportunities to consider. I have travelled in it for many years. I was counsel in most of the cases which have been cited from chancery: I have copies of all, from the register-book. The first case of *Milton's Paradise Lost* was upon my motion. I argued the second: which was solemnly argued, by one on each side. I argued the case of *Millar* against *Kincaid* in the House of Lords. Many of the precedents were tried by my advice. The accurate and elaborate investigation of the matter in the case of *Millar* and *Taylor*, and of *Tonson* and *Collins*, has confirmed me in what I was always inclined to think, "that the Court of Chancery did right in giving relief upon the foundation of a LEGAL property in authors; independent of the entry, the term for years, and all the other provisions annexed to the security given by the Act of *Anne*."

Lord Mansfield's reasoning upon the different clauses of this statute, as to its restrictive meaning, is as follows: "I always thought the objection from the Act of Parliament, the most plausible. It was generally struck at *in situ*. But, upon consideration, it is, I think, impossible to imply this act into the abolition of the Common Law right, if it did exist, or into a declaration 'that no such right ever existed.'"

The BILL was brought in, upon the petition of the proprietors, to secure their property for ever, by penalties; the only way in which they thought it could be secured. having had no experience of any other; there being no example of an action at law tried, or any idea that a bill would lie for an injunction and relief in equity."

An alteration was made in the committee, to restrain the perpetual into a temporary security.

It is certainly not agreeable to natural justice, that a *stranger* should reap the *beneficial pecuniary produce* of another man's work. *Jure Naturæ æquum est, Neminem, cum Alterius Detrimeto et injuria fieri locupletiores.*

It is wise in any state to encourage letters, and the painful researches of leupied men. The easiest and most equal way of doing it, is, by securing to them the property of their own works. Nobody contributes, who is not willing: and though a good book may be run down, and a bad one cried up, for a time; yet, sooner or later, the reward will be in proportion to the merit of the work.

A writer's fame will not be the less, that he has bread without being under the necessity of prostituting his pen to flattery or party, to get it.

He who engages in a laborious work (such, for instance as *Johnson's Dictionary*) which may employ his whole life, will do it with

The argument drawn from the clause to regulate the price of books, cannot hold. That clause goes to all books; is perpetual; and follows the act of Hen. 8.

The words "no longer" add nothing to the sense; which is exactly the same, whether these words are added, or not.

The word "resting," in the title, cannot be argued from as declaratory "that there was no property before." The title is but once read; no part of the Act. In the body, the word "secured" is made use of.

Had there been the least intention to take or declare away every pretence of right at the Common Law, it would have been expressly enacted, and there must have been a new preamble, totally different from that which now stands.

But the legislature has not left their meaning to be found out by loose conjectures. The preamble certainly proceeds upon the ground of a right of property having been violated, and might be argued from, as an allowance or confirmation of such a right at the Common Law. The remedy enacted against the violation of it being only temporary, might be argued from as implying there existed no right but what was secured by the act. Therefore an express saving is added, "that nothing in this act contained shall extend or be construed to extend to prejudice or confirm any right, &c." Any right is, manifestly, any other right than the term secured by the Act. The Act speaks of no right whatsoever, but that of authors, or derived from them. No other right could possibly be prejudiced or confirmed by any expression in the Act. The words of the saving are adapted to this right: "books or copy already printed, or hereafter to be printed."—They are not applicable to prerogative copies. If letters patent to author or his assigns could give any right, they might come under the generality of the saving. But, so little was such a right in the contemplation of the legislature, that there is not a word about patents in the whole Act. Could they have given any right, it was not worth saving, because it never exceeded fourteen years.

more spirit, if, besides his own glory, he thinks it may be a provision for his family.

I never heard any inconvenience objected to literary property, but that of *enhancing the price* of books. An owner may find it worth while to give more correct and more beautiful editions; which is an advantage to literature: but his *interest* will prevent the price from being unreasonable. A *small* profit in a *speedy* and numerous sale, is much larger gain, than a *great* profit upon each book in a *slow* sale, of a less number.

Upon every principle of *reason, natural justice, morality, and common law*, upon the evidence of the *long received opinion* of this property, appearing in ancient proceedings, and in law-cases; upon the clear sense of the *legislature*; and the opinions of the *greatest lawyers* of their time in the Court of Chancery, since that Statute, the *RIGHT of an author to the COPY of his works* appears to be *well-founded*. And I hope the learned and industrious will be permitted from henceforth, not only to reap the *fame*, but the *PROFITS* of their ingenious labors, without interruption, to the honor and advantage of themselves and their families.

SUBSTANCE
OF THE
SPEECH
OF
W. HUSKISSON, ESQ.

IN THE
HOUSE OF COMMONS,
IN A COMMITTEE OF THE WHOLE HOUSE,
UPON THE
RESOLUTIONS
PROPOSED BY THE CHANCELLOR OF THE EXCHEQUER
RESPECTING THE
STATE OF THE FINANCES

AND THE
Sinking Fund
OF
GREAT BRITAIN,

On Thursday, the 25th of March 1813.

SECOND EDITION.

NEVER BEFORE PUBLISHED.

1813.

SUBSTANCE

&c. &c.

MR. LUSHINGTON,

MUCH as we must all have lamented the circumstance which occasioned the frequent postponement of this debate; the delay, I trust, has been attended with this good effect, that it has enabled Gentlemen to examine more attentively the principles of the measure which is now under our consideration. In rising to submit to the Committee such observations as have occurred to me on the subject, I can assure you, Sir, that I never offered myself to their notice under feelings of anxiety equal to those which I experience at this moment:—an anxiety arising not from any apprehension that I shall not be heard by the Committee with their usual kindness and indulgence, but from the deep sense which I entertain of the vast importance of the question now before us, compared with my own conscious inability to do any thing like justice even to the view which I feel myself compelled to take of it. Nor is this my only difficulty. There are others arising out of the very nature of the subject itself. A measure, in my opinion, more important in all its bearings, in all its effects and consequences, never was agitated in this House; but at the same time it is one devoid of every thing which can give attraction to debate; one not very familiar perhaps to many Gentlemen now present.

and requiring therefore, on the part of the person who undertakes to explain its tendency, a degree of clearness and perspicuity which I cannot flatter myself that I shall be able to bring to the discussion. Notwithstanding all these difficulties, and the consequent dread of failing in the task which I have imposed upon myself, I feel still more strongly that it would be a dereliction of duty were I to shrink from the attempt, and not endeavour to claim for this subject, some share of that public attention which has lately been painfully engrossed by concerns of a very different description—concerns which I trust will never again occupy this House, and of which the agitation out of doors cannot be too much or too soon discouraged by every man who values the best interests of the country, or has a proper feeling for the honor and character of the age in which we live.

Before I enter upon the Resolutions now under discussion, I cannot refuse to myself the satisfaction of acknowledging the uniform courtesy and attention of the Chancellor of the Exchequer, in furnishing me with every facility of information. On my part, I trust my Right Hon. Friend will not think me unwarranted in referring to my past conduct as the best guarantee that I am not actuated by any disposition to throw difficulties in the way of his financial arrangements. I hope, therefore, that both with him and the Committee, I shall have credit for sincerity, when, as the result of the most anxious and deliberate consideration which I have been able to give to the present plan, I am compelled to declare my conscientious conviction, that, by adopting it, we should incur the risk of losing the fruits of all the sacrifices which we have made for the last twenty years;—that we should lay ourselves open not to the mere possibility, but as it appears to me, to the probable and imminent danger (in the event of a long continuance of the war), of undermining, if not destroying altogether, that system of public credit which is the foundation of our present safety and independence, and the best support of that pre-eminent rank which we are now struggling to maintain among the nations of the world.

There is another question of a magnitude not inferior to this, which cannot be put out of sight in the examination of these proposals—a question respecting which the feelings of Gentlemen will not be less alive, nor their understandings less anxious to

arrive at a satisfactory result, than even upon a matter so nearly connected with the public safety: I mean, Sir, the maintenance of public faith, on all occasions so essential to the honor of the country, and, in this instance, more especially so to the honor and character of Parliament. The highest considerations of public policy and public justice are therefore equally involved in the present discussion. To these I must be allowed to add another consideration, of a more limited nature certainly; but at the same time, one which has great weight with me, and will, I trust, have its weight with many other Gentlemen in this House. The edifice of the Sinking Fund, which we are this day called upon to disfigure and half pull down, is perhaps the proudest monument which was raised by the virtues and genius of Mr. PITT to his own fair fame. So it was held in his own estimation; so it is held in the estimation of his friends, and not only of his friends, but of those who were his political enemies, and of the whole world. Upon his friends then I call, from the reverence and affection which they feel for his memory: upon those who were his enemies I call, from their love of justice and of their country, to lend their aid to my feeble efforts for preserving this monument of public utility and individual fame, unmanipulated and entire, in all the beauty of design, in all the strength and symmetry of proportion, assigned to it by the hands of its immortal author:

The name of Mr. Pitt naturally brings me to the origin of this great measure of a permanent Sinking Fund, and to a short review of its progress and completion under his auspices, as preparatory to the examination of those proposals of my Right Hon. Friend the Chancellor of the Exchequer, which I cannot but consider as an invasion of it.

When Mr. Pitt was called to the head of affairs, and to the management of our finances, at the close of the American war, credit was at its lowest ebb, our revenue deplorably deficient, and our resources for improving it apparently exhausted. Yet such at that time were the real resources of the country, when properly called forth, and wisely administered, that in the year 1786, Mr. Pitt was enabled, after making provision for the interest of the public debt, and for all the expenses of a peace establishment, to set aside and appropriate a surplus of income, amounting to one

million annually, as the foundation of a Sinking Fund for the redemption of the then existing debt of 238 millions. By the Act of Parliament which was passed for this purpose (26 Geo. III. cap 51), it was provided, that this sum of one million should be laid out, either in the redemption of stock, if at par, or, if under par, in the purchase of it in the open market at the current price of the day;—that the interest arising from all stock so redeemed should be added to the principal, and be laid out in the same manner, until, by their joint accumulation at compound interest, they should amount to the annual sum of four millions;—that, when this Sinking Fund had reached that amount, it should continue from thenceforth to be laid out at simple interest only, leaving the amount of interest annually redeemed at the disposal of Parliament. Such is the outline of the original plan devised by Mr. Pitt for the reduction of the National Debt, which, up to the year 1786, had been allowed to accumulate without any permanent provision being made for its gradual and ultimate liquidation. But he did not stop here. He wished, in the event of any future war, to guard the country against the evils arising from too rapid an accumulation of debt, and consequent depression of public credit; and to place us beyond the reach of that helplessness, despondency, and alarm, which had brought the finances of the country to the brink of ruin in the American war. Mr. Pitt felt at that time, that the greatest difficulty which he had to contend with, in framing any *permanent* system of a Sinking Fund, was to find the means of protecting it from the danger of future alienation, before it should have accomplished the purpose for which it was formed. The plan which he submitted to Parliament in 1792 was framed with the specific view of guarding against this danger, and of holding out to the Public a guarantee, that any future debts which the State might have occasion to contract, should, from the moment of their being incurred, be placed in a course of liquidation, uniform and unalterable. This plan contained within itself a principle of permanency, which, being applied to every loan at the time of making the contract, could not, from that moment, be varied or departed from, without a breach of such contract. Under this plan, not only the Sinking Fund which it provides, but the application and accumulation of that

Sinking Fund, are so interwoven and bound up with the contract for the loan, as to remain a condition between the borrower and the lender, until every obligation of that contract shall be cancelled by the extinction of the loan itself. That such was Mr. Pitt's understanding of the plan which he proposed to Parliament in 1792, is, I think, placed beyond all doubt (if, indeed, there could exist a doubt on the subject) by what passed in this House on that occasion. It was made an objection to the measure (and I intreat Gentlemen to recollect this circumstance when we come to the discussion of the present proposals) that it would place the reimbursement of all future loans beyond the discretion and control of Parliament,—an objection which was answered by Mr. Pitt in such a manner as to show that, in his judgment, this very objection was the principal merit and recommendation of his plan. Another advantage of the plan is, that by the mode in which it is carried into effect, the power of the Sinking Fund is always necessarily increased, directly in proportion as public credit is depressed at the time of making the loan to which such Sinking Fund is annexed.

These were the principles laid down by Mr. Pitt in 1792, as the foundation of a Sinking Fund applicable to the liquidation of any new debt. The mode provided by him for carrying these principles into effect is so simple, that for the explanation of it, little more can be necessary than to refer to that portion of the Act (32 Geo III. cap. 55) which provides for this measure. Indeed, Sir, the words of the enactment which particularly relate to this purpose, are so essential to a fair discussion of the proposals now before us, that I must request that the third section of this Act may be read. [The section in question was here read by the Clerk.]

“ And, for more effectually preventing the inconvenient and dangerous accumulation of debt hereafter, in consequence of any future loans, be it further enacted by the authority aforesaid, That whenever any sums of money shall hereafter be raised by loans for public purposes, a separate account shall be kept, at the receipt of His Majesty's Exchequer, of the annuities or annual interest to be incurred in respect of the same; and in case the said loan shall be raised for any other purpose than that of paying off some existing capital stock, bearing a higher rate of interest than the capital stock to be created by such loan, and shall be raised by perpetual redeemable annuities, and provision shall not have

The enactment, therefore, applicable to every loan that should be raised after 1792, is simply this;—that *either* some specific provision should be made *at the time of such loan being raised*, for paying it off within a period which might extend to, but should not exceed, forty-five years; *or*, in default of such provision, that a Sinking Fund, equal to one per cent. not on the amount of the money borrowed, but of the capital stock created, should, "*from thenceforth*," issue from the Exchequer, and be applied at compound interest to the liquidation of such loan. It is therefore obvious, that *at the time of making* a loan, the Government is at liberty to adopt either of these modes for its gradual redemption. It may declare to the parties with whom it may be dealing, first, that it will provide for paying off, in each year, one forty-fifth of the capital to be borrowed;—or, secondly, that it will raise the loan by granting an annuity terminable in forty-five years,—or, thirdly, that, instead of making provision, in one or other of these modes, for paying off any portion of such loan immediately, a Sinking Fund shall be assigned, to begin to operate at some future period, and of such an amount, as to ensure the extinction of the loan between the date of the commencement of such Sinking Fund, and the end of the prescribed term of forty-five years. But if no specific provision is made for the redemption of the loan, *at the time* of contracting for it, then, and *thenceforth*, the other alternative of a one per cent. Sinking Fund takes effect quite as a matter of course.

The principle upon which the period of forty-five years was fixed upon as the extreme term; beyond which the liquidation of any future debt should in no case be protracted, may, I think, be collected from this circumstance; that a Sinking Fund of one per

been made by Parliament for paying off, within forty-five years, the whole of the capital stock to be created by such loan, from thenceforth, at the end of every quarter subsequent to the day on which the Act or Acts of Parliament, by which such loans shall be created, shall have received the Royal Assent, an additional sum shall be set apart out of the annuities composing the consolidated fund, and shall be issued at the said receipt of the Exchequer to the Governor and Company of the Bank of England, to be by them placed to the account of the Commissioners for the reduction of the national debt; the total annual amount of which additional sum shall be equal to one hundredth part of the capital stock created by such loans."

cent. operating at compound interest, and supposing the rate of that interest to be invariably three per cent. will redeem a capital equal to one hundred times its amount, in little more than forty-five years. It may here be necessary to remind the Committee, that we are not at liberty to compel the public creditor to accept the repayment of his stock at any price below par:—at par every portion of the public debt is redeemable; but below that price, the State, like any other purchaser, may go into the market, and buy at the price of the day. Now, the great bulk of our debt, as every body knows, consists of a three per cent. stock; and we have none which has been funded at a lower rate. Consequently, the lowest rate of compound interest, at which the Sinking Fund can improve, is three per cent. It is the rate at which it would ~~improve~~, if the three per cent. stock was uniformly paid off at par. In proportion as the stock, instead of being paid off, is purchased below par, is that rate of improvement of the Sinking Fund increased. But, forasmuch as a one per cent. Sinking Fund, constantly operating at three per cent. would redeem the capital of any loan in a period of about forty-five years, it follows, from there being no stock below that rate of interest, that forty-five years is the ultimate term to which the liquidation of any debt, having a Sinking Fund of one per cent. can, by possibility, be postponed. It is the *maximum* of time which the redemption would require, on the supposition of the Sinking Fund being uniformly restrained, by the most flourishing state of public credit, to the *minimum* of velocity at which it can proceed. Now it is a fact, not immaterial to the present discussion, that for the last fifty years, the three per cents have never once been at par; that, within that period, they have been below fifty, and that for the last twenty years (that is, since this law of 1792 began to take effect,) their average price has not exceeded sixty-seven.

Let us, then, see what has been, and is, the practical application of this law of 1792, to the loans which, since that year, have been raised for the public service. When a loan is wanted, the Chancellor of the Exchequer, acting on behalf of the Public, signifies to the parties disposed to lend their money, the particular stocks in which he means to fund the loan. If, at the same time, or at any time before the contract, he has it in contemplation to

make any provision for the redemption of such loan, other than a one per cent. Sinking Fund, he would of course apprise the parties of the nature of that provision; but if he should remain silent on this point, the law declares to them, without any confirmation from him (and, in point of fact, I believe I may add, that on no occasion have they ever demanded or received any such confirmation), that a Sinking Fund of one per cent. will issue of course, and will be employed at compound interest, for the gradual redemption of the new stock about to be created. Knowing this, the lenders are well aware that the efficacy of this Sinking Fund will be in proportion to the depression of the stock which they are to receive in return for their money;—if a three per cent. stock, for instance, be what they are to receive, and the price at which it is taken be 50; the Sinking Fund will be equal to *two per cent.* on the money capital borrowed; and the rate, in point of time, at which the redemption will then proceed, will be that of about twenty-three, instead of forty-five, years. Thus, in proportion to the depression existing at the time; does this Sinking Fund operate at once as an improved check to prevent a further fall, and as a powerful lever to produce, at no distant period, a probable rise in the market. What is the consequence? Why, that the lenders are enabled and induced, or, if you will, by the competition which exists among them, compelled, to give better terms to the Public. These better terms are the advantage which, in every past loan, the country has derived from a one per cent. Sinking Fund; but it is, as I conceive, an advantage obtained by incurring an obligation, from which we are not now at liberty to depart. The advantage and the obligation are reciprocal; they both commence with the commencement of the contract, and from that moment we are not at liberty to keep the one, and to disregard the other.

If I have had the good fortune to make myself understood in the principles which I have now stated; I should hope that Gentlemen would be able to follow me in the application of them to the existing state of our Sinking Fund, and to the plan now under consideration.

The loans made since the year 1792, with some exceptions, which I shall have occasion to explain presently, have been made with a

—Sinking Fund of one per cent. If Gentlemen recollect what has been the general price of the stocks since the breaking out of the war, they will, I am sure, think that Government acted very wisely in preferring this mode of redemption to the less efficacious modes which were open to them under the other alternative of the Act.

The foundation of the new system now proposed to us is this:—my Right Honorable Friend, the Chancellor of the Exchequer, construes the Act of 1792, as leaving Parliament at liberty to regulate and modify, according to its discretion, *in any manner, and at any time*, the redemption of the whole debt contracted under the terms of that Act, provided the final liquidation of each of those separate loans, which together constitute the aggregate of that debt, is not protracted beyond the full period of forty-five years.

The question of public faith, which arises upon this construction, is;—whether, having made our option, *at the time* of the contract for each loan, in favor of a one per cent. Sinking Fund, and having received the benefit accruing from that option, the issue of that one per cent. from the Exchequer, and its progressive accumulation, and uninterrupted application, be not *thenceforth* conditions of the contract itself, from which we are not at liberty to deviate, so long as any part of that loan shall continue unredeemed?

Now, that there is nothing in the clause which has been read to authorise any option subsequent to the time of making the contract, is quite clear. The enactment is imperative, the words of it are peremptory, and admit but of one construction: “If provision *shall not have been made* by Parliament for paying off within forty-five years the whole of the capital stock *to be created* by such loan.” These words cannot be understood as having reference to any but a provision antecedent to, or, at the utmost, actually concurrent with, the formation of the contract. Well, Sir, the clause proceeds thus: “From *thenceforth* at the end of every quarter, subsequent to the day on which the Act of Parliament, by which such loan shall be created, shall have received the Royal Assent, an additional sum shall be set apart out of the monies composing the Consolidated Fund, and shall be issued at the said receipt of the Exchequer, to the Governor and Company of the Bank of England, to be by them placed to the account of the

Commissioners for the reduction of the national debt; the total annual amount of which additional sum shall be equal to one hundredth part of the capital stock created by such loans." Here the enactment ends. If it had been the intention of the Legislature to reserve to itself a *subsequent* power of reverting to the first alternative of forty-five years, should we not have found at the end of this clause some words declaratory of this intention?—some "until," or other such word, to qualify that peremptory "*thenceforth*" which governs this part of the enactment? It is just as clear, then, from the whole of this clause, both from what it says, and from what it omits to say, that we have no subsequent option, as it is clear that we have such an option at the time of making the contract. By the fifth section of the same Act, it is directed that "The Sinking Fund of each *separate* loan shall be set apart, and issued at the receipt of the Exchequer at the end of each quarter in the order in which such loans shall have respectively taken place." And the eighth section provides, that all such Sinking Funds shall be applied to the redemption of debt;—that *all stock redeemed shall be transferred to the account of the same Commissioners for the reduction of the national debt, to whom the one per cents. are issued, and be placed to their account*: and lastly, that the separate Sinking Fund of each new loan, and also the dividends payable on any stock redeemed or purchased in *each quarter*, shall be placed to a *separate* account in the name of the said Commissioners, to be kept in consequence of every such loan respectively.

This Act, therefore, positively enjoins three things to be done with respect to every loan that has been raised with a one per cent. Sinking Fund: first, the regular quarterly issue of that one per cent. from the Exchequer, to be laid out quarterly in the redemption or purchase of stock; secondly, that all stock so redeemed or purchased shall be transferred to the Commissioners for the reduction of the national debt, and the dividends of such stock carried to the same account as the one per cent. issued quarterly from the exchequer; and, thirdly, that a distinct account shall be kept of the progress made by each separate one per cent. and the dividends arising from it, in the redemption of the *specific* loan for the liquidation of which that one per cent. was assigned.

The Act does not in terms prescribe any period when the issue

of the one per cent. on each separate loan, and its accumulation at compound interest, shall cease and determine; but as by this Act each loan is a separate debt, with its own distinct Sinking Fund; and as that Sinking Fund can have no other application than the liquidation of the particular loan, in respect of which it was originally issued; there can be no doubt that, according to the intent and meaning of the Act, the whole charge of such loan, as well for interest as for Sinking Fund, is set free, and reverts to the Consolidated Fund as soon as that liquidation is completed. This construction of the law will not be disputed by any one.

Let us now examine whether the present plan of my Right Honorable Friend is consistent with the three conditions prescribed by this Act. With the quarterly issue from the exchequer of the several one per cents in respect of each loan, the plan does not interfere. But does it not break in upon the concurrent application of these several one per cents to the reduction of their respective loans, as well as upon the transfer of the stock purchased by each of these separate Sinking Funds, and the application of the dividends arising from that stock? That it does, and to what degree it does so, must be obvious to every one, from the simple statement that my Right Honorable Friend's practical measure, for withdrawing in the next four years, between seven and eight millions from the aggregate Sinking Fund, rests altogether upon the assumption, that no one of the several Sinking Funds which have been issued in respect of the different loans made since 1793 (that is, in respect of the whole debt of the present war, to which alone they are applicable), has yet begun to operate;—that the loan of 1793, for instance, and so on of every subsequent year, remains as yet unsailed by its specific Sinking Fund. My Right Honorable Friend having thus, very conveniently for his purpose, assumed that the whole of the public debt contracted since 1792, has hitherto had no Sinking Fund at all applied to it; he with equal ease, assumes, in the next place, that the whole of the debt prior to 1792 is actually paid off. Now this debt amounted to 236 millions; and for its separate liquidation, Mr. Pitt established the original Sinking Fund of one million in 1786. That million (which, for the sake of distinguishing it from the one per cent. Sinking Funds, I shall call

the old Sinking Fund) with some other aid afforded to it, having continued to accumulate at compound interest ever since 1786, has actually reduced about 97 out of the 238 millions, which formed the old debt. Of the new debt about 116 millions have been paid off by the several one per cents issued from the Exchequer for that purpose. This is the abstract of the account as it actually stands in the books of the Commissioners for the reduction of the national debt. But, in the face of this account, we are now called upon to resolve, that the whole of the old, and not one shilling of the new debt, has been redeemed. How my Right Honorable Friend can reconcile such a resolution with the Act of 1792, I am utterly at a loss to conjecture.

But, leaving this task to his ingenuity, I must observe to the Committee, first, that the very foundation of his assumption, that the old debt has been paid off, is laid in the circumstance of our having incurred a new debt of a much larger amount; and secondly, that, even allowing him that assumption, he would not have been able to erect his present scheme upon it, if the credit of the country had not been for the last twenty years materially impaired by the pressure of that new debt. On the one hand, had the Sinking Fund been operating at three per cent. during that period, he could not have touched it, even under his own construction of the Act of 1792: on the other hand, had the price of the stocks been still lower than it has been, he would have taken from that Sinking Fund still more largely than he is now, according to his own rule, enabled to take. This then is the new doctrine of the Sinking Fund;—that having been originally established “to prevent the inconvenient and dangerous accumulation of debt hereafter;” (to borrow the very words of the Act), and for the support and improvement of public credit; it is in the accumulation of new debt that my Right Honorable Friend finds at once the means and the pretence for evading that Sinking Fund: and the degree of the depression of public credit, is with him the measure of the extent to which that invasion may be carried. And this is the system of which it is gravely predicated, that it is no departure from the letter, and no violation of the spirit of the act of 1792; and of which we are desired seriously to believe, that it is only the following up, and improving upon, the original measure of Mr. Pitt!—of which

measure the clear and governing intention was, that every future loan should, *from the moment of its creation*, carry with it the seeds of its destruction; and that the course of its reimbursement should, *from that moment*, be placed beyond the discretion and the control of Parliament.

It appears to me to be so impossible that any man should entertain a serious opinion that the measure of my Right Honorable Friend can be carried into effect without a departure from the Act of 1792, and a consequent violation of the contracts made under that Act, that I could really wish, before we proceed one step in this business, that the intended arrangement of my Right Honorable Friend should be submitted as a case for legal opinion with a reference to that Act. This, I think, is the least that we can do in fairness to the whole body of the public creditors of the State; who, ~~be~~ it remembered, when they are at issue with you upon the extent of the obligations which their contract has imposed upon you, have no appeal but from your power to your justice. Let us show them, if we can, by the authority of the great luminaries of the law, that we have right on our side; when we are about to interfere with the accumulation, and to interrupt the application, of the one per cent. Sinking Funds issued under the Act of 1792. I should wish to ask those who are best qualified to expound this statute, and I now ask my Right Honorable Friend;—if, under this statute, we can carry our interference to the extent proposed, what is there to prevent our going a step further, and meddling with the issue of the one per cent. itself? The issue, the application, the accumulation, are all governed by the same enactments, without any proviso or exception, to enable us to vary or modify the one more than the other. I should also wish that my Right Honorable Friend would tell me how soon, after contracting for a loan with a one per cent. Sinking Fund, he conceives this right of interference on the part of the Public to commence? Does it begin with the first quarterly issue, or with the tenth or twentieth? If not with the first, why not as well with the first as with any subsequent one? And, if with the first, does my Right Honorable Friend conceive, that, after bargaining for a loan (that of last year for instance) he would be at liberty, without the consent of the contractors, to direct the dividends arising from the first quarterly

issue of the one per cent. Sinking Fund annexed to that loan, not to be applied in aid of the second quarterly issue, in the purchase of stock? If this would be a breach of faith towards the original contractor, in the first year of the loan, how would it be consistent with faith towards the alienee of that contractor, in any subsequent year of the same loan? And how is my Right Honorable Friend to distinguish between the stockholders, who are the original contractors, and those who have since purchased from them?

In a case of this nature it is not immaterial to inquire what has been the general understanding upon the subject. I will not detain the Committee with what has been said and written out of doors, though I could accumulate from that source many great authorities; but I will refer them at once to one originating among ourselves, sanctioned by a report of a Committee of this House, never referred to, but with the just praise which is due to accurate research, sound decision, and correct discrimination; a Report, for which we are more immediately indebted to the most distinguished authority in this House;¹ now, in virtue of his high office, himself one of the Commissioners for the reduction of the national debt. Sir, the First Report of the Committee of Finance of the year 1797 relates to the public debt and the Sinking Fund; and it concludes with these remarkable words: "The old Sinking Fund, after reaching the sum of four millions, is no longer made applicable by law to the discharge at compound interest of what may then remain of the old debt; but the operation of the new Sinking Fund is to continue at compound interest till the new debt shall be totally discharged." It is impossible to mistake the object or meaning of this sentence. By marking the difference between the old Sinking Fund and the new, between the law of 1786 and that of 1792, it most forcibly delineates the true character of the latter. Respecting the most distinguished Committee that made this Report, it is only necessary to ask, with your present Speaker for its Chairman, if it is too much to assume that the Public had a right to look to this Report for the true construction of the Act of 1792, and to rest upon it, as a guarantee that that construction would be faithfully adhered to and observed?

¹ The present Speaker, who, was Chairman of the Committee of Finance in 1797.

But my Right Honorable Friend mainly rests his present construction of this Act upon what he infers *must have been* the opinion of Mr. Pitt; and this inference he draws partly from certain financial arrangements which Mr. Pitt brought forward between the years 1798 and 1800, and partly from his concurrence in the arrangement of Mr. Addington (now Lord Sidmouth), in the year 1802.

If my Right Honorable Friend had been able to call to his aid the clear and positive authority of Mr. Pitt, much as I venerate that authority, I could not, in such a case as this, allow it to confound the plain and obvious meaning of a contract founded upon the letter of an Act of Parliament. But the facts to which my Right Honorable Friend refers, seem to me in no degree to warrant the conclusion which he attempts to draw from them.

What are those facts? Why, that, in 1798, 1799, and 1800, Mr. Pitt raised a part of the loan wanted for the service of those years without a one per cent. Sinking Fund; and that he concurred in a similar course adopted by Mr. Addington in 1802. The first question that arises upon the statement of this fact is this: did Mr. Pitt and Mr. Addington, at the time of making those loans, propose no other provision for their redemption within forty-five years? Because, if they did propose any other, it is obvious that they only availed themselves of that alternative which was left to them by the law. Now, in the first place, what did Mr. Pitt do? In 1798, for the first time, he had recourse to a plan for raising a large portion of the supplies within the year. His avowed object in this bold measure, was to prevent the too rapid accumulation of debt, and to restore public credit, at that time very much depressed. As an essential part of his plan, he therefore laid down the principle, that, in whatever amount the sum borrowed within the year should exceed the sum redeemed by the ordinary Sinking Fund, provision should be made for paying off such an excess within a very few years, by some more powerful means than a one per cent. Sinking Fund. For executing this purpose, he charged the interest of so much of the loan of the year (considering that portion of it as a temporary or war loan only) as exceeded the amount of the whole Sinking Fund, upon the total produce of the war-taxes; and instead of an immediate one per cent. Sinking Fund, he

assigned the whole amount of those taxes, except what was requisite for the payment of the interest of the war-loan, to the exclusive purpose of entirely liquidating that loan; such liquidation to commence with the close of the war; and the war-taxes to be continued until it was completed. Now in what terms does my Right Honorable Friend allude to this measure in his printed Statement? He says, (page 2), that it was "to repay, within a *few years after the conclusion of peace*, all debt contracted beyond the amount of the Sinking Fund in each year." Then if "these few years" were likely to fall within forty-five years from 1798, Mr. Pitt was completely warranted, by the letter of the law, in substituting this reversionary Sinking Fund for an immediate one percent. The intention with which Mr. Pitt acted is obvious, that of greatly adding to, instead of impairing, the strength of the Sinking Fund. But then, said my Right Honorable Friend in his opening speech. "the war might have continued forty-five years; and in that case these war-taxes could not have been applied to the purpose of redeeming debt." What inference he wishes us to draw from this rather strained supposition, I am at a loss to understand; but before he can avail himself of it, as bearing in any way upon Mr. Pitt's authority, he must begin by showing not only that when the plan of 1798 was brought forward by Mr. Pitt, he contemplated the possibility of the war being protracted to forty-five years from that time; but also, that having such contingency in his contemplation, he had further made up his mind, in the event of its being realized, not to provide any other Sinking Fund for the redemption of these war-loans. This is a task which I think my Right Honorable Friend will scarcely attempt.

We now come to Mr. Addington's measure. In 1802 (being somewhat less than forty-five years from 1798) peace had been made. It was then thought expedient at once to repeal the income tax, instead of continuing it until the liquidation of the war-loans had been effected. It is not material now to consider whether this measure was very politic, or altogether consistent with the pledge given to the public creditor for the redemption of the war-loans by the continuance of the income-tax. But what is much to the present purpose, is to ascertain, whether, when these war-loans, by the repeal of this tax, were thrown back upon the ordinary pro-

vision of the Act of 1792, a Sinking Fund, consistent with that Act, was or was not provided? These war-loans, together with the loan raised for the service of the year 1802, amounted to a capital of near 90 millions of stock. To this capital no one per cent. was allotted; but was not recourse had to the other alternative of the Act? Most certainly it was. Without going into minute details, it may be sufficient to state that a reversionary Sinking Fund was created, to commence indeed in about twelve to fifteen years from that time, but to be of such efficacy when it should commence, and to be so greatly accelerated by subsequent additions in its progress, as, under the most unfavorable supposition, to be certain of reducing the whole of this debt, within forty-five years. This reversionary Sinking Fund was to arise in the following manner:—by continuing the *old* Sinking Fund at *compound* interest *after* it should have reached its *maximum* of four millions; and by continuing also the *new* Sinking Fund or aggregate of the one per cents of the loans since 1792, after such one per cents should have liquidated the several loans in respect of which they were originally issued. Elaborate Tables were laid before the House, clearly showing that these funds would be fully adequate to the object. There is nothing, therefore, in the Act of 1802 which is a departure from the spirit of the Act of 1792.

The Act of 1802, it is true, has prescribed a mode of executing its intended purpose very inconvenient in other respects; but *in principle*, it affords neither justification nor precedent for the measure now in contemplation. It is in substance no more a departure from the spirit of the Act of 1792, than the Sinking Fund of five per cent. annexed to the loan of 1807, or any other specific mode of redemption different from a one per cent. The one per cent. is the general rule; the other is the exception, but it is an exception to which we have a right to resort, at the time of making a new loan, as often as we think it is for the general interest so to do.

Having now examined the inferences upon which Mr. Pitt's authority in favor of the plan is assumed, I might safely leave them to the judgment of the Committee and of the Public; but I must go one step further. A sense of the duty which I owe as well to the public, as to Mr. Pitt's memory, induces me to state the fact

which I am now about to mention ; and for the accuracy of which I am ready, if necessary, to pledge my honor and every thing most dear to me in the world.

In 1802, when men's minds were turned to these subjects by the plan then before the House, a person of great skill in calculation, and of great ingenuity in subjects of political economy, put into my hands some observations which he had committed to writing on the subject of consolidating the old and new debts, and the old and new Sinking Funds. The conclusion to which he came was this, that we ought, at stated intervals (I think of seven years), to measure the proportion of the whole Sinking Fund, to the whole debt ; and that, whatever might be the excess of the Sinking Fund over and above what would be requisite for extinguishing the unredeemed debt in forty-five years, such excess might be placed at the disposal of Parliament. I own that I was struck with the plausibility of this scheme, at least as applicable to a state of peace ; and having obtained the author's permission, if not at his request (I now forget which) I communicated his scheme to Mr. Pitt. Mr. Pitt rejected it at once with the most pointed reprobation of its principle ; and I perfectly recollect, that when I rather stood up for the measure as a peace-arrangement, he said, that whenever the time should come that the diminution of the rate of interest was felt to be an evil, he had other ideas as to the best mode of obviating that evil, by converting it to a great public advantage ; and that, in a state of war, the plan would be ruinous and inadmissible. I well remember some still harsher terms which Mr. Pitt applied to this suggestion, but I will not repeat them, because it is in principle and in effect the same measure as that of my Right Honorable Friend. But if they are the same in principle, the circumstances of the present time and of 1802 are widely different. In 1802 we were in a state of peace ; credit was high, the accumulation of unredeemed debt was much smaller than at present, without any expectation at that moment that it would be necessary soon to add to that accumulation. In 1813, we are engaged in a most extensive war, our credit very much impaired, our unredeemed debt increased, and now annually increasing in a most alarming degree.

Here then is the direct testimony of Mr. Pitt, in opposition to vague inferences ; and I have no manner of doubt that, if his voice

could now be heard amongst us, my Right Hon. Friend's plan would not endure for a single hour.

That plan, in its principle, may truly be described as an expedient for pushing the debt in time of war to the *maximum* of its amount, by reducing the Sinking Fund to the *minimum* of its power.

It is an error which must sooner or later prove fatal to our credit, that we are doing enough, if we reserve such a Sinking Fund as would redeem our debt in forty-five years, without reference to the total amount of that debt. The proportion of the Sinking Fund to the unredeemed debt is but a secondary consideration: the actual amount of that debt ought to be the first object of our solicitude. It is undeniable in theory, that a debt of 1000 millions would as certainly be liquidated in forty-five years by a Sinking Fund of ten millions, as that a debt of 100 millions would be liquidated by a Sinking Fund of one million. But in practice a debt of 100 millions might be safe, and possibly salutary to the State, even without any Sinking Fund at all; whilst 1000 millions of unredeemed debt, all liable to be brought into the market, might, under many conceivable circumstances entirely break down that credit, which the smaller sum would in no degree impair. Comparisons of this nature, in proportion as they are true in arithmetic, are dangerous in the concerns of nations. Whilst they gratify ingenuity in the closet, they may undermine our resources upon the Stock Exchange.

I shall probably be reminded, that whatever there may be in common between the plan rejected by Mr. Pitt in 1802, and the measure now before us, the latter comes recommended by many peculiar advantages, which more than counterbalance the objections to which it may be liable. Any proposal which postpones the necessity of adding to our burdens, however pregnant with difficulty and danger that proposal may be in its probable and not distant consequences, cannot fail, especially if those consequences are kept out of sight, to be favorably received by this House and the Public. The plan of my Right Hon. Friend possesses, undoubtedly, that claim to favor. If he had called for your support upon that claim only, the discussion would have been much simplified. But in my Right Hon. Friend's Statement, this benefit,

which I have no wish to undervalue, is obscured and lost amidst the blaze of more brilliant advantages and dazzling prospects which have been opened to us on this occasion.

From the very sincere respect which I feel for my Right Hon. Friend, it really gives me pain to be obliged to refer at all to these other advantages of his plan. For I cannot help saying, that he will excuse me for taking this liberty with them, and they appear to me calculated to confuse and perplex, without at all meliorating his system.

These other advantages of the plan amount to four: first, that it provides for a gradual and equable reduction of the national debt: secondly, that it provides against the evils likely to arise from too rapid a diminution of the rate of interest; thirdly, that it provides an immediate subsidy of 120 millions, for carrying on the present war: and fourthly, that it provides for the accumulation of a treasure of 100 millions, in time of peace, as a reserve for any future war.

With respect to the first of these advantages, I know not in what terms to express my astonishment. "A gradual and equable reduction of the national debt!" as if that reduction was at this moment too rapid—as if there was any thing arbitrary and capricious in the present mode of applying the Sinking Fund! Again, as if we had already done too much in the way of reduction of a debt, which, when the new Sinking Fund began, was little more than 200 millions, and which now exceeds 600 millions unredeemed,—as if it were necessary, in order to make that reduction more equable, to diminish the amount of the Sinking Fund of the year, in proportion as the amount of the loan is increased,—as if it were particularly wise and pressing to begin to check the growth of the Sinking Fund in the present year, when the loan to be raised, joined to what remains unredeemed of that of last year, will make a greater addition to the debt, than all that was added to it in the six preceding years of the war!

That my Right Hon. Friend should have spent his valuable time in providing, at this moment, for the second of these advantages, is to me still more surprising. "The evils likely to arise from too rapid a diminution of the rate of interest,"—when, with all the aid which credit has derived from the present rapidly growing Sinking

Fund,—with all the improvements, wonderful and extensive beyond the hopes of the most sanguine, in our political situation,—with all the temptation which a nominal capital holds out to the lender in the three per cents—my Right Hon. Friend is not able, even in that favorite fund, to raise a single 100*l*. within the legal rate of interest! With these circumstances before him,—with a loan to be negotiated for the service of the year, which cannot be much short of forty millions, what is the step taken by my Right Hon. Friend with a view to an immediate practical effect? Why, a successive diminution of the Sinking Fund, infinitely more rapid than its growth has ever been, to be accompanied with a series of loans much larger than were ever before raised in this country. What is the disease which now affects our public credit? When my Right Hon. Friend was first called in, he did not hesitate to declare, that his patient was “laboring” (to use his own expression) under great weakness and depression; but by way of comfort, he assured us that at his next call he should be prepared with some very invigorating remedy. This is his second visit, for which we have been looking forward with so much hope. The symptoms of the disease continue nearly the same, or rather worse; but what says the physician? ‘He tells you, that, in turning the case in his mind, it has occurred to him, that his patient, if he should not sink under his present exhausting complaint, may possibly be liable at some distant period of his life (as nearly as he can now prognosticate, about the year 1830), to the inconvenience of repletion. Therefore, as an apt remedy for this distant disorder, he prescribes, instead of the promised restorative, a copious bleeding forthwith, and that it should be followed, in rapid succession, by three other bleedings still more severe.’ If the patient should undergo this discipline, the natural consequences must follow; and I agree with my Right Honorable Friend, that the numerous friends of that patient, the whole body of the public creditors, should (as the phrase is) be prepared for the event. By the time of the fourth bleeding, should the present complaint continue, the most sanguine among them will, I think, have little doubt as to the result; and their mourning on the melancholy occasion will, I am satisfied, be not only very general, but very sincere.

But this, is a distant danger, which good fortune may, after all,

avert; and, in the mean time, my Right Hon. Friend's plan gives us an immediate subsidy of 120 millions for carrying on the war. When this subsidy was first mentioned, I really imagined that my Right Honorable Friend had at last found that philosopher's stone, which *Van Helmont*, and so many other ingenious men of former times, had spent their lives in vain endeavours to find; or, at least, as was often the case with them, that, in searching for it, he had accidentally stumbled upon some other very useful discovery;—that he had found a treasure to this amount in some dark recess or secret drawer of the Exchequer, where it had been hoarded and forgotten by one of his predecessors. But when I came to understand what the finding actually was, my hopes were sadly disappointed. All that my Right Honorable Friend has really found out is, that, by contracting a debt of between eight and nine hundred millions, we have paid off one of 220 millions. Does my Right Honorable Friend think that, upon the fair adjustment of such an account as this, there is any balance in our favor? It is in this balance, however, that my Right Honorable Friend finds an immediate available subsidy of 120 millions.

But if this promised treasure is only a golden dream, as to the present, to what bright prospects do we not awake for the future! One hundred millions of public property to be accumulated on the restoration of peace! "This," says my Right Honorable Friend, is "the principal advantage of my plan."—This, at least, will be a real treasure; and such a treasure, he well adds, "as no other country ever possessed." The whole secret of this great discovery consists in nothing more than this; that, having contracted, in the present war, a debt, which already exceeds 600 millions, my Right Honorable Friend purposes, if sufficient time is allowed him, to pay off 100 millions of that debt, between the restoration of peace, and the renewal of war. I perfectly agree with my Right Honorable Friend, that this advantage, admirable as it must appear for its simplicity when once it is explained, is one that no other country ever possessed; chiefly, indeed, because no other country ever possessed the preliminary qualification of being sufficiently in debt to enable it to enjoy this advantage. Really, Sir, if any other person than my Right Honorable Friend had stated this as the principal advantage of his plan (an advantage, by the bye, not only not exclusively belong-

ing to this plan, but unavoidable under *any* plan of a Sinking Fund in time of peace). I should have thought that he was trifling with our understandings; that he was treating us as persons incapable of distinguishing between the paying off of a small portion of existing incumbrances, and the actual amassing of wealth;—that he was exhibiting to us the amount of the national debt, as so much wealth accumulated, and not, what it really is, the record of so much wealth consumed.

The remaining advantage of the plan, then, is the irresistible bait (for such, I apprehend, it will prove) of the postponement of fresh taxes for the next three years. I am not afraid that any man in this House, or, I hope, out of it, will do me the injustice to suppose that I am more insensible than another to the pressure of existing burdens upon the people of this country. But I should indeed be departing from the wise example of former Parliaments, and of the great men of other, and (at least in that respect) better times;—I should be losing sight of every sound principle of state policy, and of every established maxim of practical finance, if I were on this occasion to surrender my judgment to my feelings, and to shrink from the duty of a dispassionate inquiry, from the dread of its leading me, contrary to my wishes, to a painful conclusion.

In the existence even of an individual, four years is not a long period: in the existence of a nation it is next to nothing. On occasions like the present, much eloquent declamation is employed, to show how little our predecessors have done for us, and how much we have done for posterity. We advert to the neglect of those who have gone before us, in providing for our comfort; and we complacently contrast that neglect, with the anxious care that we have manifested for the ease of those who are to follow us. This, I apprehend, has been the language of all times, and I am unwilling to disturb a feeling of so much self-satisfaction. I must own, however, that in the unbroken chain of a nation's existence, I know not how to put my hand on the exact link at which posterity commences. But this I know, that the Parliament which succeeded to the debt of the American war, represented themselves as the aggrieved posterity of those who had carried on that war. That Parliament was left with an unredeemed debt of near 240

millions, and an annual charge, for the interest of that debt, of between seven and eight millions. The Parliament which may follow the present one, if peace should be then restored, will, I suppose, by a parity of feeling, be the posterity of those who have carried on the present war. That posterity will succeed, if the war should continue but four years longer, to an unredeemed debt of about 700 millions, and to an annual charge for the interest of that debt (exclusive, as in the other case, of any Sinking Fund,) of about 26 millions. What will be the language of that posterity, I will not pretend to anticipate:—as one of their predecessors, I hope it will not be wanting in gratitude for the great exertions which we have been compelled to make. But let us not shut our eyes to facts; and fondly delude ourselves with the idea that we have already done so much for the relief of posterity (always recollecting that, of the posterity, to which I allude, some of us may hope to be members), that it ought now to be left to shift entirely for itself.

Looking then at the proposals before us, not with a reference to the year 1912, to which one of my Right Honorable Friend's Tables carries us forward, but to the reasonable compass of the next fifteen or twenty years; there are three considerations to be attended to in examining the present plan, comparatively with the existing system: 1st, The whole amount of unredeemed debt: 2dly, The proportion of the Sinking Fund to that debt: and, 3dly, The amount of new taxes that would be requisite under the one system or the other.

This examination, of course, proceeds on the supposition of the continuance of war, and of an annual loan of 28 millions being requisite, as assumed by my Right Honorable Friend. In the event of peace, the charge of war, for which his plan is intended to provide, would of course cease: and I cannot help thinking that it will be quite time enough, when peace shall be restored, to meet difficulties of an opposite kind, which, my Right Honorable Friend apprehends, peace may bring upon us: such as the too rapid reduction of debt, and diminution of the rate of interest.

Well aware as I am, and, indeed, as every man must be, that the whole sum annually raised upon the country, is applied, either to defray the charge of existing debt, or that of our necessary establishments, it appeared to me, from the first glance of my Right Honorable Friend's plan, that it involved this paradox—That,

assuming our establishments to continue the same, this new system professed, not only for the present, but permanently, to decrease our taxes, while it increased our debt: and further, that it professed ultimately to accelerate the redemption of that debt, while it diminished the Sinking Fund. It was some time before I could find any way out of this paradox: but it is, I think, to be found by a close examination of my Right Honorable Friend's Tables. I shall not go through the whole of them; but I refer particularly to Table A. 1, 2, and 3.

I am far from wishing to insinuate that there exists any arithmetical inaccuracy in those Tables: but I must say, that they are so constructed as, although correct in themselves, to convey an impression which is very much otherwise.

In the column (Table A. 1.) showing the amount of new taxes under the *proposed plan*, credit is taken in each year in abatement of those taxes, for the whole sum supposed to be set free by the portion of debt *assumed* to have been finally paid off. In the column of the same Table, showing the amount of new taxes that would be necessary under the *existing system*, no credit is given for the sums that would really be set free by the actual extinction of debt according to the law as it now stands. For instance, in 1821 the charge of the war-loan of 1807 would be set free by the *existing system*, and ought, therefore, to have been stated as applicable in abatement of taxes set down opposite to that year: in like manner, in 1829, taxes to the amount of 21 millions would be set free, and ought of course to be deducted from the total of new taxes stated in the Table opposite to that year. The result would then be, that the total increase of taxes in the year 1829-30, under the proposed plan, would be

Under the existing system	£16,734,734
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Under the existing system	9,446,803
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Excess of taxes according to the proposed plan	7,287,931
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If the calculation should be carried on upon the same *data*, to the last year of that Table, the result would be as follows:

1837-8.—Proposed plan	£24,356,852
Existing system	20,413,467

Excess of taxes according to the proposed plan	3,943,385
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The two other points of comparison are, the Unredeemed Debt and the Sinking Fund. I have examined them, and if my figures are accurate, which I believe them to be, they would stand as follows :

		Unredeemed Debt.
1829-30.—Proposed plan	- - -	£938,856,438
Existing system	- - -	£29,736,217

Excess of unredeemed debt according to pro-	}	309,120,221
posed plan - - - - -		

1837-8.—Proposed plan	- - -	£1,047,677,325
Existing system	- - -	680,944,805

Excess of unredeemed debt according to pro-	}	366,732,520
posed plan - - - - -		

The respective Sinking Funds would stand thus :

1829-30.—Existing system	- - -	£19,745,200
Proposed plan	- - -	17,820,636

Difference of Sinking Fund in favor of existing	}	1,924,564
system - - - - -		

1837-8—Existing system	- - -	£26,858,638
Proposed plan	- - -	21,917,084

Difference of Sinking Fund in favor of existing	}	4,941,554
system - - - - -		

I am satisfied to leave the result of these comparisons upon two different periods, one of seventeen and the other of twenty-five years, to the judgment of the Committee. But I must just observe, that they are made on the supposition that the annual loan of £8 millions would be raised on terms as favorable, under the proposed plan, as under the existing system: a supposition altogether unreasonable, when we consider the greater accumulation of debt, and the diminished power of the Sinking Fund under the proposed plan. It may be difficult to form any conjecture as to the amount

of the difference; but whatever it might be, the result to that amount would be still more unfavorable to the proposed plan.

Another consideration, to which it is most material to advert in taking this comparative view, is, that it proceeds upon the supposition that the Sinking Fund will not be touched beyond the amount estimated in my Right Hon. Friend's Tables. These Tables show how far he proposes to go; but the principle of forty-five years, upon which he grounds his right to touch the Sinking Fund at all, would carry us much farther. My Right Hon. Friend says, in his statement (page 13), "that the mode of exercising this discretionary power of Parliament to cancel such portions of debt as shall have been redeemed, may be varied *as circumstances may require*; but, during war, that which has been pointed out, appears to be most generally advantageous." Now if this *discretionary power* is once established in principle, does any one doubt, that, upon every occasion of temporary pressure, it will be resorted to? Does any one doubt but that we shall go the full length of the principle of never allowing the sinking Fund to exceed the *minimum* proportion of one to a hundred of the unredeemed debt?—and that, once armed with this discretion, we shall upon a little further pressure, go one step farther, and take away the Sinking Fund altogether?

In vindication of the plan, I have heard something like this kind of argument;—that, admitting it not to be strictly consistent with justice to the creditor of the State, still, if it promises to operate greatly to the general relief of the Public, without being materially prejudicial to the public creditor, it ought to be adopted.

Without dwelling upon such general observations as must occur to every man, upon the great danger of attempting to justify by this doctrine of expediency a violation of the plain letter of an engagement;—without stopping to remind the Committee, that in any such attempt, we are at once party and judge, and judge without appeal; I will confine myself to the mere question of probable injury. If not immediately, in the course of no very long period, the plan must be highly prejudicial to the public creditor. It may not operate immediately, because political circumstances are now very favorable to public credit; and also because, in the first year of this plan, the Sinking Fund will not be materially, if at all, im-

paired. But what must be its effect in future years, when the Sinking Fund will be diminished between seven and eight millions; and when the public mind may possibly not be elated with the same sanguine hopes as are justly entertained at this moment?

A loan is but the sale by Government, at the best price which it can obtain in the open market, of a certain amount of annuities charged upon the income of the nation. The public debt is the aggregate amount of those annuities already sold and in the market. In that market, Government is both a seller and a buyer: a seller to the amount of the loan: a buyer to the amount of the Sinking Fund. It follows, therefore, upon the plain principle of supply and demand, that if Government, being compelled, from any circumstance, to sell more, determines at the same time to buy less, the price of the article must fall. Now the effect of this plan, and especially in the next four years, is very greatly to increase the difference between the sum to be added to, and the sum to be redeemed from, the national debt in each year. The accounts now before us show what has been the effect upon public credit within the last three years of loans very far short, in their amount, of those now wanted, and notwithstanding a constantly growing Sinking Fund. When the excess of our loan above our Sinking Fund did not, upon an average, exceed five millions (money value), as was the case in the five years ending with 1811, the three per cents rose to near 70; but now, when that excess is more than fifteen millions in each year, they have fallen to 59. Is this a moment for breaking in upon the Sinking Fund, and for taking away from it, by wholesale, in four years, the amount of the accumulations of thirty?

My Right Hon. Friend satisfies his own conscience, however, by the reflection, that he shall compensate to the annuitant this unavoidable depreciation of his security, by affording him a temporary respite from taxation. Again I must object, when the faith of a contract is at stake, to this doctrine of equivalents, this balance of injury and kindness. How can we know what is an adequate equivalent? The price of the public stocks does not depend upon the value of the dry annuity. It is a joint consideration of this annuity, and of the prospect of an increase in the value of the nominal capital, that operates upon the mind of the purchaser. I had a pretty strong proof of this when I myself was in office.

From a wish to guard the Public against the great loss of redeeming, perhaps at par, three per cents, which might be borrowed at 60, I proposed to the bidders for the loan to make them redeemable at 80. They would not bid at all upon the proposal. If my Right Honorable Friend doubts whether this prospect of higher prices enters into their calculation, let him try what they would now give for a three per cent. annuity redeemable at 60.

If the view which I have taken of this plan, so far as regards the public faith, be correct, it cannot be necessary to show, by many additional arguments, that the whole system, viewed abstractedly from its justice, is at variance with sound policy. That it would prove so in its ultimate effects, no man, I think, can doubt; but, in the present instance, it will also be found (what may not always, perhaps, be the case), that not only our permanent, but our immediate, interest requires of us, not to deviate from the straightforward path in which we have hitherto proceeded.

I have the more confidence in the solidity of the objections which I take to the mere policy of the measure, because they are almost all derived from principles of finance, and lessons of political economy, for which I am indebted to the great practical masters of this science in modern times; and mainly, I speak it with unfeigned sincerity, to my Right Hon. Friend himself.

The Tables to which I have recently referred, establish, beyond all doubt, that the plan cannot be persisted in for three or four years without a serious injury to public credit. But in time of war, when we have to borrow so largely, is not the efficiency of that credit essential to the efficiency of the State? Is not its support the true husbanding; and its decline the profuse waste, of our yet remaining resources? Then what is the state of our credit at the very outset of this plan? Is it not already "laboring" under the vast accumulation of debt? and does it not manifestly sink, in spite of a state of external circumstances so unusually favorable, under the enormous calls that are made upon it by the unparalleled magnitude of our loans? Is it not true, that, by the weight of loans, far less than those now required, and, notwithstanding a growing Sinking Fund, the public securities have suffered a depreciation little short of 20 per cent. within the last three years? Does the Chancellor of the Exchequer consider such a depreciation, upon a capital of

six hundred millions, to be in itself nothing? Does he think it a matter of indifference whether the interest of money is at six or seven per cent. instead of being at or under the usual legal rate? Does he imagine that this depreciation, and this high rate of interest, will have no prejudicial effect upon our industry, our manufactures, our commerce, our internal improvements, and, above all, upon the progress of our agriculture? If the demands of the State are so large, and the temptations which it offers so powerful, as to absorb the innumerable streams and channels by which individual credit is nurtured and supported; the activity which is created, the exertions which are called forth, by that credit in every branch of productive industry, must proportionably languish and decay. Does my Right Hon. Friend seriously expect, or does experience warrant him to hope, as he intimates in his printed Statement (p. 16), that in such a state of credit our permanent revenue can improve? The prosperity of that revenue depends, in a great degree, on the facility with which the active classes of the community are enabled to borrow the capitals requisite for their various pursuits. However paradoxical it may appear, there is, I will venture to say, no part of our population so nearly interested in the improvement of public credit as those to whom these borrowed capitals afford employment; and none, consequently, who ought more cheerfully to acquiesce in whatever sacrifices may be necessary for the support of that credit.

I have heard the proposed plan excused and palliated out of doors by some who cannot approve of its principle, from an expectation that it will give such an impression of our resources, as may, in the present state of affairs, be attended with the most important consequences: that our friends on the Continent will be elated, and our enemies astounded, by the promulgation of a plan for carrying on the war for four years without taxes.

I trust that this most shallow of all hopes, this most short-sighted of all the views which can be taken of the subject, is not entertained by His Majesty's Government as any recommendation of the plan.

The governments of the Continent, and the thinking and intelligent part of their subjects, are likely to take a very different impression. They look upon our Sinking Fund as the events of the

last twenty years, and not less than the events, our language and our conduct also, have taught them to look upon it; as the main stay and prop of our credit—as the perennial source which supplies our annually-growing exertions—as that sacred reserve which no momentary temptation, in the apparent extremity of our fortunes, could for one moment induce us to weaken or impair. They have seen us in the hour of our severest trials, when the Bank stopped payment, when our fleets mutinied, when rebellion raged in a sister kingdom, carrying additional aid to that Fund, instead of breaking in upon it. They know what we have done for that Fund; and, as is often the case with those who are mere spectators of the blessings which others uninterruptedly, and for that reason almost unconsciously, enjoy, they also know, perhaps, better than ourselves, what it has done for us. If I wished to illustrate what I believe to be the general feeling of the Continent respecting our Sinking Fund, I could not do so more forcibly perhaps, than by stating, that in France a Sinking Fund has been established upon the principles of our Sinking Fund; and established by whom? By Bonaparté himself; that great despoiler of the civilized world; that wholesale plunderer of the accumulations of peaceable industry; by Bonaparté, who thinks that the best system of finance is in the success of his sword, who acts as if the whole science of political economy consisted in the transfer of his subjects from productive to unproductive pursuits. That the Sinking Fund of France is merely a delusion, I perfectly believe. But it has been justly said, that “hypocrisy is the homage which vice is forced to pay to virtue;” and there cannot be a clearer proof of the opinion sincerely entertained of the Sinking Fund of England, than this attempt to delude the people of the Continent by a pretended imitation of it.

If my Right Honorable Friend, therefore, has been induced to adopt this measure, as one likely to over-awe the enemy into moderation, I am afraid it will have a very different tendency. If, from any circumstances, he thinks that peace may soon be attained, why unnecessarily weaken confidence at home, and revive in the breast of Bonaparté those vain hopes of wearing out our resources, which adversity, though it may not have extinguished them, has probably in some degree subdued? If war is likely to continue,

why begin upon a system which, if pushed to its utmost, may, at last drive us to the necessity of signing a precipitate and disadvantageous peace?

This, it is true, is not the first time that we have had recourse to expedients widely departing from the ordinary and legitimate system of adding to our income by permanent taxes, in proportion to the increase of permanent charge created by the loan of the year. In 1807, an expectation was held out to the people that no new taxes should be imposed for three years. Accordingly, the loan of that year was assigned upon the war-taxes. In 1808, the falling-in of the Short Annuities, and an advance by the bank of three millions without interest, enabled Parliament to meet the charge of the small loan required for that year, without materially breaking in upon the assurance, that taxation should be suspended for three years. In 1809, the charge of the loan was thrown upon the war-taxes. This measure was strongly objected to; and the ground of its defence, as argued by myself and others, was, not the general policy of the measure, but its particular expediency, and for that year only, as necessary to complete the term of the respite from taxation promised in the year 1807. The war-taxes, mortgaged for the charge of this loan, amounted to one million. It is obvious, that the effect of this mortgage was of course to diminish your disposable revenue, and to increase your loan to the same amount in that and every subsequent year. If, instead of the war-taxes, the million be taken from the Sinking Fund, a difference to that amount is created between the sum borrowed and the sum redeemed. In both cases, the effect for the first year, with respect to the public credit and the accumulation of debt, is the same; but, prospectively, that credit will be injured in an infinitely greater degree, by the deduction of a million from the Sinking Fund; because this million would have continued to improve and accumulate at compound interest for the reduction of debt; which of course is not the case with the million of war-taxes.

Carrying along with us these considerations, and recollecting that the measure of 1809 dipped into the war-taxes for one year, and for one million only; let us see what were the sentiments of the highest financial authorities upon this measure.

The first authority to which I must request the attention of the

Committee, and from which, as well from its great excellence, as from the peculiar respect to which it is now entitled from this House, I shall borrow very copiously, is that of my Right Honorable Friend himself. He thought it his duty, at the close of the session of 1809, to move a series of resolutions of Finance. In the course of the following summer, he did himself much honor, and the country much service, by carefully revising and publishing the substance of his observations on that occasion. The extracts from that publication, which I am now about to read to the Committee, will, I am sure, be, to every Gentleman, the strongest inducement carefully to peruse the whole.

In the first part of that publication, my Right Honorable Friend has given a very interesting narrative of the bold and manly measures adopted by Lord Sidmouth upon the renewal of the war in 1803, for raising a large disposable revenue within the year. As my Right Honorable Friend must have had a principal share in maturing and bringing forward those measures, he is well-entitled to participate in the just credit which they reflect upon that Administration. My Right Honorable Friend closes his remarks on that part of his subject in the following terms: "In the statement of his (Lord Sidmouth's) last budget, he strongly urged the importance of adhering to the same system by an annual addition of at least one million to the war-taxes; till the object of equalizing the income and the expenditure of the country should be obtained. He knew that when this great point was attained, the continual accumulation of the Sinking Fund would speedily afford means of relief to the Public, which could not be employed either with JUSTICE to the Stockholders, or SAFETY to the State, *so long as the accumulation of debt continued.*"—With *justice* to the Stockholders, with *safety* to the State, *so long as the accumulation of debt continued!* Will the Committee forgive me for having detained them so long upon the *injustice* of the present proposal, when I might have satisfied them at once by the decided testimony of my Right Honorable Friend? Will the country forgive me the expression of my apprehensions for its danger, when they are told from such high authority, that the Sinking Fund cannot be touched with *safety* to the State, so long as the accumulation of debt continues? Will my Right Honorable Friend forgive me, if, in the

name of that *justice* which he acknowledges to be due to the public creditor; if, in the name of that State, of whose *safety* he is one of the immediate and responsible guardians; if, in the name of his own fair fame, which is the merited and best reward of his public labors—I conjure him not to persist in a system, which, by anticipation, he has so justly condemned?

I now proceed to another part of the publication, in which my Right Honorable Friend expresses himself in these terms:

“ Let me not, Sir, be misunderstood as the advocate of excessive or unlimited taxation. I am aware that all taxation is in itself an evil, and I can conceive many circumstances under which I should think the Chancellor of the Exchequer had acted, in the present instance, with prudence and judgment.

“ The first and most obvious of these would be a great and general impoverishment of the country. It might then happen (as in fact it did towards the close of the American war), that the imposition of new taxes would add nothing to the revenue, but only depress the produce of the old ones. But I would ask the Right Honorable Gentleman, and every Gentleman present, from whatever part of the country; *where* the symptoms of such impoverishment appear? Supposing, however, such a decay to exist, I say that the same necessity which contracts our means ought to limit our expenses. Shall we be the richer for plunging deeper in debt? *Will it increase our resources to consume those which yet remain?* ”

These are the questions which my Right Honorable Friend put in 1809: I hope that he is now prepared to answer them.

He proceeds thus:—

“ In another case of a very opposite kind, I might think it advisable to abstain from further taxation—that of a very rapid improvement of the existing revenue. Did our resources appear to be increasing in a degree nearly commensurate to our wants, I should be unwilling to endanger so prosperous a state of things by any interference, or to abridge the comforts of the Public by any charge which might be safely avoided or deferred. But though I am convinced that the national wealth is progressively increasing, I fear we are far from such a state of things. *The revenue has of late appeared rather to decline than to increase.* ”

I would just ask my Right Honorable Friend, whether this remark does not exactly apply to the present state of the revenue.

“ Another case, in which I might approve of the course which has been pursued, is that of a prospect of immediate peace, or of a great reduction of expense from any other cause. But, of all suppositions, this seems at present the most extravagant. The war rages more extensively and with greater exasperation than ever, and every day seems to bring forward some fresh obstacle to accommodation, and some new call for our exertions.

“ But, leaving to the defenders of this measure to point out such circumstances as may, in their opinion, justify it, I shall proceed to state a few of the numerous objections which induce me to condemn it.

“ In the first place, it is a weak and delusive resource, which will be speedily exhausted.

“ A second objection to this diversion of the *war-taxes* from the purposes for which they were originally granted by Parliament, is, the continual and progressive increase it must occasion in the difficulty of raising the supplies. As the amount of the loan must annually be augmented by a sum equal to the *war-taxes* which have been appropriated both by that, and all preceding loans, they would be most rapidly consumed, by a continual accumulation of compound interest; and when it shall become unavoidable to seek for fresh funds for these augmented loans, where will they be found, and in what state of credit will these loans be raised? If the Right Honorable Gentleman thinks that the people, having been indulged with a respite from further taxation, will return to it more readily, he is greatly mistaken. Having once been told by authority, that further burdens were either intolerable or unnecessary, they will readily listen to those who will never be wanting to tell them the same thing again; and they will be disposed to countenance wild plans of retrenchment, and chimerical schemes of finance.”

If the Committee will only substitute the words Sinking Fund for War-taxes, through the whole of this paragraph, I have no other alteration to offer either in the language or in the argument.

“ Another most important objection occurs when we consider the establishment which it will probably be necessary to maintain, whenever peace may be concluded.

“ It is an objection not less important, though of a totally different

nature from any of the preceding, that the system of finance pursued this year, has the strongest possible tendency to encourage prodigality in the public expenditure.

“ It is no less true in public than in private economy, that what is easily acquired, is often needlessly spent. It is also the natural bias of every department, and may even proceed from a laudable, though inconsiderate, zeal for the public service, to draw to itself as large a portion as possible of the supplies. If this be not checked (as I fear at present it cannot be) by a firm and over-ruling control at the Treasury, it naturally leads to an indefinite and wasteful expense. But the strongest stimulus to excite the Treasury to perform its duty by a vigilant restraint on the public expenditure is wanting, if supplies can be obtained without an immediate pressure on the people. The temptations which perpetually occur to a minister, of a loose and careless administration of the public purse, are constantly counteracted by the impending and painful task of taxation.

“ It will be evident to every Gentleman, that if the amount of the loan is reduced, the competition to obtain it will be increased, and the supply of capital in the market more abundant, compared with the demand, and the sum to be raised will consequently be obtained on more favorable terms. The principle of this saving is perhaps not less certain than a mathematical demonstration, but the extent of its operation can only be calculated on hypothetical *data*, and it may not therefore be a proper subject for a distinct Resolution of the House. Every Gentleman will form his own supposition: I will just mention one which seems to me supported by a strong analogy. In the year 1798, when Mr. Pitt first proposed his system of war-taxes, the loan was raised at an interest of above six per cent. In 1800, when they had been established two years, the interest of the loan but little exceeded four and a half per cent.¹ Adding the one per cent. Sinking Fund to be provided on the capital created, the total saving amounted to about two per cent. on the whole sum raised both by loan and war-taxes.

“ Such, Sir, have been the effects of the system which the Chancellor of the Exchequer has this year forsaken and impaired: a system sanctioned by general approbation, and proved by experience to be

¹ The Chancellor of the Exchequer proposed yesterday (31st March) to the House of Commons, the funding of twelve millions of Exchequer Bills, at an interest of 5*l.* 15*s.* 6*d.* per cent. and that interest to commence from the 5th of January last.

solid, wise, and economical. It has indeed required many sacrifices, and may require more: but it is a most dangerous delusion, to expect to perform great achievements without making great exertions. If we cannot reduce our expenses to our income, we must raise our income in proportion to our expenses. I am willing to give credit to the Right Honorable Gentleman for readiness to effect every practicable and prudent retrenchment; and I trust still more to the disposition of Parliament and of the Public to enforce it. But what more is wanting, and much more, I fear, must be wanting, we must be prepared to furnish; and it has been my wish, in what I have said, to strengthen the hands of Government (so far as my arguments or opinions could have any force), and to facilitate its resuming the wise, the secure, and honorable course hitherto pursued."

Let us now see how this measure of withdrawing a million from the war-taxes was viewed by other great authorities.

In the Journals of the House of Lords, I find a Protest against the measure, to which the first signature is that of Lord Sidmouth. The names of Lords Grenville and Carrington are also subscribed to the same document, in which I find, among others, the following objections:

"Because the present measure is subversive of the principles on which the *Sinking Funds* and War-taxes have been successively established and augmented—principles invariably adhered to under every change of men and measures during the last three-and-twenty years, and now first abandoned.

"Because the system, of which this measure is, we fear, the commencement, will rapidly absorb all the extraordinary resources provided by the wisdom of Parliament to meet the exigencies of war; and will, within a very few years, plunge this country into financial difficulties, such as have never yet been apprehended, even by those who have thought most unfavorably of the resources of the country."

In the month of July 1812, we find my Right Honorable Friend (then, as now, Chancellor of the Exchequer) stating to this House, that "he should probably feel it necessary to prepare some plan, whatever it might be, for the more *effectual support of public credit*. What particularly occurred to him would be to make some addi-

tion to the Sinking Fund for whatever portion of the loan might exceed the amount of the sum to be redeemed within the year."

My Right Honorable Friend proposes to make this addition indeed; but in what manner? By taking from the Sinking Fund, as it now exists, not only this addition, but also the one per cent. for the other part of the loan, and all the charge of interest for the whole.

To the authority of my Right Honorable Friend, at least up to the present moment, for strengthening, instead of impairing, the Sinking Fund; to that of Lord Sidmouth and of Lord Grenville, I must add the greatest authority of all, that of Mr. Pitt. I can take upon me to assure the Committee, in the most confident manner, that it was the strong leaning of his mind, I might almost say his fixed intention, had he lived to direct the finances of the country for another year, to impose not only the taxes that might be necessary to meet the charge of the loan of that year, but as many more as he thought the country could bear without too great or too sudden a pressure upon its resources. All the surplus of such taxes, beyond the interest of the loan, he intended to apply as an immediate voluntary aid to the Sinking Fund, to be gradually withdrawn for the charge of future loans, if for that purpose any part of it, or the whole, should, in future years, be required.

My Right Honorable Friend, and others who so strongly condemned the subtraction of a single million from the war-taxes in 1809, will not contend that the accumulation of debt, or the state of public credit, or the amount of the loan, compared to the Sinking Fund, was such as to render hazardous at that period what is comparatively safe at present. In that year, the three per cents were at 68; they are now at 59. In that year, the loan was 17 millions, and the Sinking Fund about 10 millions. For the present year, the loan, I much fear, will not be short of 30 millions on account of England only, and the Sinking Fund less than 14 millions.

It cannot be imputed to my Right Honorable Friend, that, in enumerating all the virtues of his plan, he ever mentioned economy as one of its recommendations. He well knew that he could not, although it is an inference in its favor which some persons have derived from a superficial examination of his Tables. My Right Honorable Friend, I am sure, would be the last man to countenance

such an inference. He has most successfully shown, on various occasions, that true economy consists in a course altogether opposite to that which he now adopts. He has reduced to figures, and recorded in Resolutions, the proofs of that economy, demonstrating, by the most irrefragable evidence, that to accumulate debt, in the manner and to the extent now proposed by this plan, is the very reverse of good management. He has shown you what you have actually saved by raising a large portion of your supplies within the year. I will not fatigue the Committee by a detailed reference to these proofs. They will find them in the Speeches of my Right Honorable Friend, to which I have already referred.

If our resources are not infinite and absolutely inexhaustible; if we have already dipped deep into those resources; surely it the more becomes us well to consider, whether the remainder are not now in danger of being dissipated with unnecessary celerity? Whether, by mortgaging now, at usurious interest, that income which we had wisely set aside for the discharge of existing incumbrances, we shall be more at our ease some few years hence? Whether, by accumulating debt now, upon terms which may oblige us to redeem it at an expense nearly double hereafter, we are compensated for the immediate pressure of usurious interest, by the prospect of future relief? Let Gentlemen look round the world, and show me a state once in difficulty; let them look among their acquaintance, and show me an individual, once involved, that has ever been brought round and saved by these, or such-like expedients. If they still doubt the delusion of such a system, one example drawn from the financial affairs of this country, and brought before them, not by a comparison of distant transactions, but confined to the three last years of the present war, will, perhaps more forcibly than any more general view, open their eyes to the wasteful consequences of the proposed plan.

Let us compare the terms of the loan of 1810 with the terms of the loan of 1812, both in the three per cents. In 1810, for every £100 sterling the contractors received 140*l.* 7*s.* 6*d.* three per cent. stock: in 1812, for every £100 sterling they received £176 three per cent. stock. A loan of 28 millions, the amount assumed by my Right Hon. Friend to be hereafter annually raised, would, if negotiated upon the terms of 1812, add to the amount of

debt in each year £10,000,000 of stock, and to the permanent annual charge £404,000 (money value), more than if negotiated upon the terms of 1810. And who shall say that, under this plan, future loans will be raised even on the terms of 1812? Neither is this all: in 1810 the Exchequer Bills were circulated at an interest of three pence per day for every £100. The interest is now three pence halfpenny. This is another increase of annual charge, exceeding £200,000. Let Gentlemen calculate what these differences only would amount to in the next four years, both in increased debt and in increased permanent charge; and then they will have some faint idea of the economy of a plan, the tendency of which, it is admitted, is to lower the price of the funds. On the other hand, there can be very little doubt, if the Sinking Fund were left to its natural growth for those four years (with the same amount of loan), that the funds would revert to the more favorable prices of the year 1810.

Another consideration of economy is, that the reduction of interest upon the five and four per cent. stocks, which has always been looked to as one of the advantages that would speedily be realized by the Sinking Fund on the restoration of peace, and which would produce a saving of nearly three millions a year, must necessarily be retarded by the effects of the proposed system.

I am aware that it may be said to me,—“If, after all, you are of opinion that this measure is so doubtful with respect to public faith, in policy so hazardous, and in economy so expensive, what is it that you would recommend?” My general answer is, that it forms no part of the duty of an individual Member of Parliament, neither holding a responsible situation, nor possessing those means of informing and maturing his judgment which properly belong to office, to go beyond the sphere of his duty. That duty I have discharged, by stating my conscientious opinion upon the present plan. It certainly is not necessary, and it may not be altogether prudent, for me to go further. But, knowing, as I do, all the difficulties of my Right Honorable Friend's situation, and anxious, as I am, to satisfy him and the Committee, that it is not my disposition to add to those difficulties, I am prepared to state what has occurred to me for obviating the fundamental objection which I feel to the intended measure in its present shape, if the patience of the Com-

mittee, which I have already so much abused, should incline them not to refuse this further indulgence.

My Right Honorable Friend stated to this Committee, on a former occasion, that during war, but especially during the present war, the country possessed means of taxation, which, from their nature, could not be permanently continued in time of peace. In this I agree with my Right Honorable Friend, thinking with him, that the war-taxes, productive as they already are, might, however, be considerably augmented. That the permanent taxes do not admit of the same latitude, is an opinion which of late years I have more than once declared in this House. I also agree with my Right Honorable Friend, that an alteration will, *at some time* hereafter, be requisite in the Sinking Fund Act of 1802, so as to render more equal, and to extend over a larger portion of time, that relief which the Public will derive from the extinction of the debt contracted prior to that period. I subscribe to the opinion, that to have devolved the whole of that relief upon one year, is an unwise departure from the original Acts of 1786 and 1792; but, on the other hand, I contend, in the first place, that no alteration is *immediately* necessary; and 2dly, that, *whenever* it is attempted, the object which we ought to have principally in view should be, both as to Sinking Fund and debt, to revert, as much as possible, to the salutary provisions of those original Acts.

The simultaneous extinction of a very large portion of debt, and an accumulation of Sinking Fund, that would become unnecessarily large for some years before that event shall take place, are the two inconveniences against which my Right Honorable Friend wishes *now* to provide. In order of time, the too great accumulation of the Sinking Fund is the first of these evils: it must necessarily precede the other. But, surely, this is not an inconvenience which is either *now* pressing upon us, or is likely to arise, so long as we are compelled to borrow *but* beyond what the Sinking Fund can redeem within the year. On the one hand, therefore, it cannot be said that any such evil now exists to call for our immediate interference; on the other, I have the clear and recorded opinion of my Right Honorable Friend, that the Sinking Fund cannot be touched, "*either with justice to the stockholder, or safety to the State, so long as the accumulation of debt continues.*"

Let us then examine, whether, upon the grounds which I have stated, my Right Honorable Friend's plan cannot be so amended as to bring it within those limits of *justice* and *safety*, which he has so accurately defined. For that purpose we must find the means of avoiding the necessity of impairing the efficacy of the Sinking Fund at the present moment.

Now my Right Honorable Friend is already provided with taxes to the amount of £1,130,000, for the present year. He wants about £700,000 more to meet the estimated charge. The course I should take would be in substance this:—First, I would charge these seven thousand pounds permanently upon the income of the Sinking Fund: but secondly, I would repay to the Sinking Fund, within the year, and out of the produce of the war-taxes, a sum equal to the charge so thrown upon it in the first instance: and thirdly, I would impose new war-taxes to that amount, unless upon examination it should turn out (as I believe it would) that by the improvements already made, or which might be made, in the assessment and collection of the property-tax, an increase in its produce to the full amount required might be expected in the present year.—If such an increase may be reckoned upon, *no* new taxes would be necessary beyond those which the Chancellor of the Exchequer is actually prepared to impose.

If the war should continue, I should in like manner charge the interest of the loan of the next year upon the Sinking Fund; replacing to the Sinking Fund the amount of the sum so charged out of the produce of the war-taxes, and increasing those taxes by an addition equivalent to the amount so transferred to the Sinking Fund.

The advantages of this mode of proceeding, as compared with that of my Right Honorable Friend, would be these: first, you would avoid breaking in upon the efficacy of your Sinking Fund during the war: secondly, by charging upon that fund the interest of the loans, you give to the contractors at once that *permanent* security which the war-taxes, from their nature, do not afford: thirdly, you maintain the disposable revenue at its present amount: fourthly, by the growth of the Sinking Fund, you would revive and sustain public credit; (raising the loans in consequence upon far

cheaper terms ;) and fifthly, the unredeemed debt would be smaller by many millions at the close of the war.

I should not object to mortgage, in this manner, the Sinking Fund to the amount in the whole required by my Right Honorable Friend for the next four years, if the continuance of the war should render such a sacrifice necessary.

If at the end of the four years, or sooner, peace should be restored, we should then be in a situation to revise the Act of 1802, without injury to the public interest, or to the public creditor ; but, even then, I should think it improvident to interfere too hastily with the operations of the Sinking Fund. I would still continue to repay to that Fund, by a portion of the war-taxes, to be continued specifically for that purpose, the full amount charged upon it on account of loans, until the state of public credit should admit of a reduction of interest on the five per cent. stock.

When we shall not only have ceased to make any addition to our existing debt, but shall farther be enabled to reduce the interest on a large portion of that debt ; then, I should say, the time would be arrived, when, without prejudice to the State, or injury to individuals, you might leave the charge of those loans upon the Sinking Fund, unreplaced by any further repayment from other sources.

The reduction of the five per cent. to a four per cent. stock would be an advantage of no small consideration, which is at least postponed by the plan of my Right Honorable Friend. The saving by this reduction of interest, when it takes place, will be more than one million a year ; a saving either to be made over to the Sinking Fund, or to be appropriated to the public service, as may appear most expedient, under all the circumstances of the country, at the time when it may take place.

In 1819, we should have the further aid of the Imperial Annuities (250,000*l.* a year), which will then fall in ; and in 1821* the charge of the loan of 1807, amounting to 1,200,000*l.* a year will be set free. Without anticipating the duty of a future Parliament, as to what may be the most proper application of these sums ; it is obvious that these resources, from the proximity of their falling in, might, in the event of peace, afford further facilities in the execu-

tion of the suggestion of which I am now stating only a very general outline.

Let us suppose that we act upon the principle of this suggestion, and that peace is not restored sooner than the end of the year 1816. We should, by that time, have mortgaged the Sinking Fund to the amount of about six millions. Its whole amount applicable to the reduction of debt, in 1816, would be upwards of 18 millions. It is not over-sanguine to assume, that by the effect of the continuance of such a Sinking Fund, with its annual improvement, for two years after a peace, the interest on the five per cent. stock might be reduced to four per cent. On the other hand, it cannot be denied by those who are acquainted with the nature of our war-taxes, that several of the most productive (independent of the property tax, which, in a more or less proportion, must, I think, be continued, at least for some years, as the foundation of our peace establishment) might without difficulty be maintained for two years after the restoration of peace; say till the close of 1818. The Sinking Fund would then have reached nearly to twenty millions. By deducting the aid of the war-taxes, it would, in the year 1819, be reduced to somewhat above fourteen millions; or fifteen, if the saving by the contemporaneous reduction of the five per cents should be allotted to it. From that period, so long as peace should continue, we should have annually the gratifying task to perform, of remitting to the people more or less of their burdens; and we might look back upon our past difficulties with the cheering recollection, that a firm adherence to the principles laid down by Mr. Pitt in 1792 had enabled us to provide for all the exigencies of this tremendous and protracted contest, without for a moment swerving from that strict good faith which at once raises our character and doubles our resources; at once enables us, by exertions unparalleled in our history, to uphold the glory of our arms in every quarter of the world, and to find in the public credit at home the means by which such exertions are to be sustained.

I will not weary the Committee by going into further details of the alteration which I could wish to see introduced into the plan of my Right Honorable Friend. If the principle of that alteration should once be admitted by him, I am sure that he would be infi-

nitely more competent to direct its application than myself. By adopting it, he would remove the only insuperable objection which I feel to its plan ; that which arises from its directly breaking in upon the Sinking Fund, and diminishing its effective amount and operation, under circumstances, which, according to my Right Honorable Friend's own words, more than once quoted by me, render such interference neither consistent "*with JUSTICE to the Stockholder, nor with SAFETY to the State.*"

*The following is the CORRESPONDENCE with the
EDITOR of the TIMES, referred to in our last
No. p. 493, relative to the AMERICAN QUES-
TION.*

THE PRESIDENT'S MESSAGE.

LETTER I.

Times, August 12, 1812.

SIR,

I CONSIDER Mr. Madison's Message of June 1, not as a prelude to war (for that, I hope, will not, to any considerable extent, take place between Great Britain and the United States), but rather as the official exposition of a certain political system, embraced by the leading party in America. As such it deserves serious attention, on both sides of the Atlantic. I shall not at present enter into its general character; but shall first examine its principal topics in detail. Hereafter I may attempt to show how they harmonise, and from what spirit they proceed.

Beginning with that which stands first in the list of grievances, I perceive that, stripped of its rhetorical flourishes, it is merely an allegation that British cruisers have been in the *continued practice* of seizing persons, sailing on the high seas, in American vessels.

First, then, this is no *new* provocation for war. If it be any provocation at all, it is one under which Mr. Madison has long been content to be passive: and I must presume, that he did not think such forbearance disgraceful to his country. The evil, whatever it may be, cannot have increased of late years; for the President has taken good care to preserve American ships from all danger but that of rotting

in their own harbours. It is evidently, therefore, set in the "head and front of our offending," for no other reason than to heighten and exasperate party-feelings, and to predispose the popular mind for the reception of charges against us obviously too slight to stand alone.

Secondly, This is not an act of State. It is a practice, which, for aught that appears, may in all its obnoxious features be totally opposite to the wishes and regulations of the British Government. It is impossible for human prudence to devise means of protecting the national and personal rights of both countries, which shall not be liable to some abuse in point of fact. To make such abuses, when formally disavowed, and really discountenanced by the respective Governments, a pretence for war, would be mere chicanery. It is asserted that the United States have remonstrated on this subject in vain. I take upon me to say, that if it be meant to intimate, that the British Government has disregarded official complaints of this kind, relating to individual natives of America, the assertion is totally false. It would be idle to deny, that any native American citizen was ever taken against his will into the British Navy. The similarity of language, names, and appearance—the defective laws and practices of the Americans themselves, and many other obvious causes, must have produced such occurrences; although I am convinced, that they will be found, on accurate investigation, to have been *very rare* indeed. The British Government has never learnt an instance of such an event, but with regret; nor ever refused to interpose, when it was possible to ascertain the truth of the representation, and to restore the individual to his country. It might, perhaps, have gone farther, and have adopted some general arrangement in concert with the American Government, for the security of their mutual interests. It is to be presumed, that the British were at least as desirous of this as the Americans; for they were full as deeply interested in it. No man, who knows any thing of the subject, will deny, that the British Navy has suffered far more from desertions, encouraged and abetted by the citizens of America, than it can possibly have gained by the impressment of native Americans. I have no doubt, but that each party has "formally assured" the other of its "readiness to enter into arrangements on this subject;" but I am quite certain, that no specific and satisfactory proposal has been made on the part of America, and rejected on that of Great Britain.

Thirdly, I come to consider what is the "crying enormity" of the practice complained of. The British Government disavows any pretence of right to take native American citizens, in any vessel. It dis-

claims the exercise of a right (if any such right exist) to take even native British subjects out of the *public* ships of the United States. Mr. Madison's complaint, therefore, reduces itself to this,—that we take our own native-born subjects out of American merchant vessels, on the high seas, or, as he phrases it, “on the great highway of nations.” Let us try the question by this analogy. I meet a runaway apprentice, or child of my own, on the common highway of the kingdom: May I not stop him? Undoubtedly I may. But what, if he is riding in my neighbour's cart, or driving his team? Why, my neighbour has either acted in ignorance of my prior right; or, if he knew it, he has done a very unneighbourly act, in harbouring the fugitive; and either way, my right remains perfectly indisputable.

However, it is said, a new right has intervened,—an act has been done, which ousts Great Britain of her authority over her own subjects. These British deserters have become American citizens. They have been *naturalized*; and, in the words of Mr. Monroe, “they must be protected.” Hear this, ye natives of Massachusetts! You are going to war for a *principle*. You are to hazard your lives and property upon a point in Mr. Jefferson's Code of Rights. At least, then, this point (for which never war before was waged) requires a clear demonstration: at least, it must be shown to be consistent with the common sense of mankind in all ages. The British Government certainly claims an authority over its native-born subjects. Mr. Madison (*pace tanti viri*) absurdly calls this a “municipal prerogative.” It is a strict right under the law of nations. It exists equally in peace and war, at home and abroad. Its exercise *in alieno solo* is controlled, as that of all other rights is, by the local jurisdiction; but, *in solo nullius*, it remains free to operate without restriction. I am not surprised at Mr. Madison's ignorance of the distinction between international and municipal law; for I remember, that when the Berlin Decree appeared, he called it a *municipal* regulation: and I also remember, that in a pamphlet commonly attributed to his pen, the author ingenuously confessed, that he had not had an opportunity to read Grotius “*in the original Latin*.” It may be expected, however, that I should oppose to the weight of the President's name, something of higher authority than a mere anonymous dictum. I therefore proceed to trouble you with some references, which, I think, will set the matter at rest.^c

It is a known axiom, that *nemo potest exuere patriam*. This is said by Sir Matthew Hale, Sir Michael Foster, and Sir William Blackstone, to be a principle of universal law. Hence, the English lawyers hold with Sir Edward Coke, that all subjects are equally bound to allegiance,

as if they had taken an oath ; with Baron Gilbert, that it cannot be cancelled by swearing allegiance to another Prince ; and lastly, with Lord Kenyon, that though a subject of this country by birth, may become a citizen of America for purposes of commerce, yet he cannot throw off his native allegiance. The names of these famous Judges might be sufficient to outweigh all that has yet been produced in the transatlantic schools of law or philosophy : but, it may be objected that they are Englishmen, and therefore not to be taken as authorities, Be it so. We must, then, inquire into the grounds and reasons of their opinion, as they are to be found in foreign writers. There cannot be a more general rule, than that of Grotius, *finis jus facit, in moralibus*. Now the end for which men unite in civil society, is to perpetuate its benefits to themselves and their posterity, through all generations. To this end, they form a joint partnership of all, with all ; so that, in the words of Heineccius, the whole community is considered as one moral person. Thus the public good becomes paramount to each private interest, according to the rule of the Digest, *non id quod privatim interest unius ex sociis servari solet, sed quod societati expedit* : and finally, thus is formed that eminent object of our affections and duties,—*our country* ; which (says Cicero) “ unites in itself all the charities of all,” and “ stands at the head of all moral duties.”

Were it otherwise,—were men at liberty to disband themselves at will from all ties of human law, all obedience to authority, all claims of allegiance and supremacy, they would, indeed, be no better than “ flies of a summer :” nay, they would be much worse : being destitute of that instinct, which an universally benevolent providence has bestowed on those little creatures, in place of reason and laws, and of a country and a sovereign. It may be thought a fine privilege for men of full age, to renounce the land which gave them birth, and the laws under which they were bred and shielded, and to abjure the sovereign to whom they had sworn allegiance, or to trample on the crucifix of their belief ; but let America reflect well, before she encourages any laxity of moral feeling, in regard to objects of so high importance. The stars of her constellation are not so fixed, but that they may be shaken from their sphere, if the patriotism of her citizens degenerate into a selfish calculation of individual interest. They must learn, that it is not convenience but duty which binds them to their country ; and they must permit that principle to operate in favor of other nations, or they can never claim the benefit of it themselves. If civil society be a contract, or a fellowship of all, for the good of all : then cannot its obligations be dissolved

by the will or act of a single member of the Association. If, indeed, a man be outlawed, or exiled for life, or absolved from his allegiance by legal authority, the contract is terminated as to him, because his country consents thereto; for, "as consent constituteth, so contrary consent destituteth, any obligation." Or, again, if we consider the obligation to be that of protection, on the one side, and allegiance, on the other; then, where the Sovereign withdraws his protection, or exercises instead thereof an open and intolerable tyranny, the duty of allegiance *ipso jure* ceases. Or, lastly, if it be made part of the original contract, by the Constitutional Laws of the State, that any citizen may emigrate on certain conditions, (such as paying the *Abzug*, or *Census Emigrationis*,) there the performance of the conditions places the individual in a state of natural liberty; but universally where there is no renfission of the *jus ex contractu quasitum*, it remains with the native Sovereign, who consequently, "has an interest in his subjects owning always to him fidelity."

I presume the American Government does not mean to set itself up as a judge between the British Government and its subjects, so as to pronounce, that the former has forfeited its right of Sovereignty over all or any of the individuals in question. This would be *interponere se bello*, in a new and extraordinary way: it would be *to make itself a general ally in the war between disaffection and regular government, on the side of the former, and that without any formal declaration of its intention to embark in so preposterous a crusade*. If we are at issue with any of our subjects, on this matter of allegiance, we have at least a right to expect that the United States will be neutral in the dispute.

The question before us, however, does not rest on mere general reasoning. It has been fully handled by the most eminent writers on public law. I am not going to compliment Mr. Madison, by quoting HUBNER, and SCHLEGEL, and MARTENS. Their meagre compositions may satisfy those who cannot read the great Jurists, "in the original Latin;" but I shall, perhaps, be excused for passing them over in silence, when I refer to GROTIUS and PUFENDORF, and HEINECCIUS, and BYNKERSHOEK, and VATTEL. The two first of these great men, having passed much of their time in the employ, or under the protection, of foreign States, may naturally be supposed to have had some bias against the doctrine of native allegiance: yet they both most expressly lay it down, that the right of withdrawing from the country of our birth, depends on the laws of that country: that established custom on this head is equivalent to written law; that

there have been many countries where it was totally prohibited ; that even where there is no general prohibition, there may be fit occasion for partial restraint, particularly in time of war, or when society is burthened with debts, and needs the aid of its citizens, both in their persons and property. PUFENDORF adds, that the State retains its rights over every subject who leaves its territory without due permission ; and that this is the origin of these *Letters of Recall*, by which Sovereigns are in the habit of summoning their absent subjects to return from foreign countries. All this, and much more to the same purpose, will be found in the *Jus Belli et Pacis* l. 2. c. 5. and in the *Jus Naturæ et Gentium*, l. 8. c. 11. HEINECCIUS, the learned commentator on PUFENDORF, agrees perfectly with him : and in stating emigration as a mode of terminating the duties of a citizen, he takes care to guard it with the qualification, “ si requisita observentur.” So BYNKERSHOEK, when he says “ licet subditi conditionem exuere,” asserts it only under limitation, “ si non sit lex quæ prohibeat :” and elsewhere he distinctly admits, “ potest princeps, si velit, hanc subditis suis legem dicere.” VATTÉL, as is his general manner, confuses the question of right, in some measure, with that of convenience ; but he very plainly declares, that the laws of each State, on this subject, must be obeyed by its citizens.

All these writers observe, that the practice of nations in respect to allowing or prohibiting the emigration of their citizens, has varied both in ancient and modern times. It was permitted at Athens and Rome : it was prohibited at Argos. In like manner, it was permitted in some of the late German States, on paying the *Abzug* : it has always been prohibited in Russia, in China, in England, in France. BYNKERSHOEK particularly refers to the conduct of England in 1571, 1644, and 1668 ; and to the edict of Louis XIV. in 1669 ; and we have recently seen a decree of the self-styled Emperor to the same effect.

Then, if the opinions of the great English lawyers be confirmed by general principles of equity, by the authority of the most celebrated Jurists, and by the conduct of many famous nations, both ancient and modern ; it results, that Great Britain possesses, under the universal law, a paramount right to the services of her subjects, whom she has not voluntarily released from their allegiance. It is clear, that such a right exists uncontrolled, upon the seas. It is independent of the question of peace or war ; but the propriety and the necessity of its enforcement may very much depend on that question. Let us, then, consider the situation of Britain as a belligerent. She is engaged in a war for her very existence. Her sailors are necessary implements of

that war. America, as a *bonâ fide* neutral, is bound not to weaken her in the contest. But America engages English sailors on board of her ships. This is an encouragement to them to withhold their services from the country which needs them, and which has formally demanded them by letters of recal. America, then, is the first wrong-doer; and she must abide the natural and necessary consequences of that wrong. No consequences can be more reasonable, than that she should lose the services of the men she has engaged. Suppose the case, that a great naval expedition were undertaken by Britain; that cruisers were sent out to impress men, on the emergency; that they were to fall in with a fleet of 200 sail of merchantmen, manned with native subjects of this country, half of them navigated under the British, and half under the American flag; I ask, whether it would be consistent with common sense, that the former should be taken and the latter left. What should make the difference? in both cases, the right is exercised, *in solo nullius*, on the great-highway of nations. In both cases the individuals may be equally unwilling to submit to the right; but on board the American vessel a few yards of striped bunting are flying, which, it is contended, are to distinguish the native sovereignty of Britain over her subjects—to appropriate a part of the ocean to American jurisdiction,—and to effect these wonders in opposition to superior force, and to paramount right, merely in virtue of a “municipal prerogative;” for it is by a municipal prerogative only that we are prevented from seizing our deserters in the American territory; and Mr. MADISON would have us believe, that a ship is territory afloat. This principle, however, proves too much. It proves that the enemy’s property, that the enemy’s soldiers, that contraband of all kinds, may be covered by the neutral flag. No sensible American will ever maintain a principle so extravagant, so dangerous; and which, at first sight, discovers the cloven foot of BUONAPARTE.

I am, Sir, &c.

I. S.

LETTER II.

Times, August 24, 1812.

SIR,

Perceiving in the letter of your correspondent I. S. in your paper of Wednesday the 12th instant, an evidence of that restless spirit that will not suffer the ashes of discord to rest, I cannot but flatter myself that your candor will suffer an antidote to the poison of his pen to circulate in the same channel. I ask no special approbation, on your part, of the sentiments or opinions that I am going to oppose to those of your correspondent, though certainly it cannot fail to be desirable; but, that your numerous readers may have the opportunity of examining the evidence on both sides of a question highly important.

To begin at the beginning, your correspondent asserts, that, "the continued practice of seizing persons sailing on the high seas in American vessels, is no new provocation for war,—that *if it be any provocation at all*, it is one under which Mr. Madison has long been content to be passive,—that the evil cannot have increased of late years: for the President has taken good care to preserve American ships from all danger but that of rotting in their own harbours." Certainly, Sir, the continuance of this practice, "*if it be any provocation at all*," is not only an increase of provocation, but, considered as a consequence of the continual forbearance of the American Government, it is a new provocation. 'Tis abounding in sin, because grace abounds; but it is in the face of all truth to assert, that this provocation is one under which Mr. Madison has long been *content* to be passive. Neither he nor any of his predecessors have ever been content to be passive on the subject for one moment. This is proved by the whole scope of the diplomatic correspondence; but, in the disposition (to use the words of Mr. Madison,) "to cherish all the friendly relations subsisting with Great Britain, they have wished to see the necessity for seeking a remedy, dependent on themselves alone. banished by just and prudent arrangements between the two Governments;" and it is at a moment when, from the redress of other grievances, a reversion to this position may be looked for, that your correspondent is endeavouring to revive the

hostile feelings that often render accommodation difficult, and sometimes impossible. "The evil cannot have increased of late years." What sort of calculation is this? If to 10,000 already incarcerated, 1,000 be added in one year, the evil is increased to 11,000, though 1,000 should be less than the average of former years. But it is not true, in the sense here pretended, that the American ships have been kept at home. The embargo, consequent on the Orders in Council and French decrees, did not prevent the navigation of ships abroad at the time: it expired more than four years ago; and no embargo has since taken place, except one for ninety days, leaving also a number of ships at sea.

But, 2dly, "The practice may be totally opposed to the wishes and regulations of the British Government." But if the regulations do not meet the wishes of the British Government, it is the business of that Government to make regulations that shall meet its wishes. That there are members of the Government disposed to wash their hands of this enormity, it would be uncharitable to doubt; but it will never be allowed that the Government has done all in its power to prevent it, while every naval officer, (Judge, Jury, and party,) is allowed to pronounce on a seaman whether he be American or not. A question of the very first importance that can influence the fate of man, is thus subjected to a rule which is spurned by the British law in respect to one shilling of property.

"No man who knows any thing of the subject will deny that the British navy has suffered far more from desertions encouraged and abetted by the citizens of America, than it can possibly have gained by the impressment of native Americans." This is flat chicanery. If no one can deny it, neither can any one assert it: it enters not into the question indeed. The voluntary engagement of a British sailor on board an American ship can never justify the forced detention of an American sailor on board a British ship. But this is the first time I have ever heard it pretended that the number of British sailors employed in the American navigation was to be named in comparison with the thousands of Americans in the British service; and though I am satisfied that a captain of an American merchantman wanting men, would scruple as little to take a British seaman who should offer himself, as a British Captain an American seaman; yet am I well assured that the abetment and encouragement of desertion here pretended, is without any foundation in the sense insinuated by your correspondent; and that it is only to be found in the seaman's own occasional preference of the service. The

employment of all foreign seamen is absolutely interdicted by the rules of the American navy.

3dly, "The British Government disavows any pretence of right to take native American citizens in any vessel." This is answered above. What signifies the disavowal or disclaimer of the practice by the Government, when it is daily exercised by its officers? Will it soothe the captive, torn from his wife and children—inprisoned for years, perhaps for life—crippled in defence of his oppressors, and dying of the wounds incurred in such a service, to be told that it is the fault of the petty despot who has chained him to the gun, and who is disclaimed by his Prince? This is, indeed, a consequence of the very measure complained of; and there can hardly be a stronger reason for the discontinuance of the practice of impressment at the will and pleasure, or, which is much the same thing, at the discretion of the officer wanting men, than that it cannot be conducted without invading the will of the Government.

I am afraid, Sir, that there are politicians among us willing to descend from the high ground of moral rectitude, to the base and sordid calculations of a narrow policy; that in this case, as in that of the orders in Council, are ready to abandon the question of right; and even the sophistical pretence of retaliation, to state an account of profit and loss, and act on the balance. I hope, however, Sir, that they will be disappointed; and I hope so the more, from a conviction, that if, as I trust, "the practice" of impressing American seamen "is opposite to the wishes of the present Government," it will be a subject of easy demonstration, that in this case, as in that, the political benefit will be best obtained by the moral process. What the propositions of the American Government on this subject may be, it is impossible correctly to anticipate; but while an effort is made to predispose the public mind against them, it may be not amiss to examine (a thing apparently little known to the public) what they *have* been. The American Government has offered to enter into engagements—

To allow of no protection to British seamen; but on the contrary, to deliver them up whenever they sought refuge among them;—

To aid in searching for, seizing, and restoring them; and to enact laws for this purpose;—

To keep them in their prisons, when thereunto required; and to prohibit their citizens, under penal laws to be made for the purpose, from carrying them off or employing them;—and, finally,

To extend these provisions not only to deserters, but to all seafaring people.

Upon these conditions, the American Government required an exemption from seizure *upon the high seas*, of all persons found on board American ships, except such as are liable to be taken according to the laws of nations.

It will be seen by the above, that the British seaman, deserter or otherwise, was not to be protected in port, either at home or in America; that he could not be employed on board an American ship; that enemies serving in the war had no protection in such ships, but might be taken out and made prisoners; but that the abuse of the naval officer, through ignorance or otherwise, in taking out American seamen, and calling them English, at his pleasure, was no longer to be tolerated.

The protection demanded for the naturalized American citizen is next to be considered: and though your correspondent calls on the natives of Massachusetts (sickened of their opposition as they are by the late attempts, through a spy, to disunite them) to consider of these (in the shape of British deserters too) as the cause of the war, we shall not hesitate to premise, that the naturalised British subject is the least, and the deserter less than the least, of all the objects of the American Government in this afflicting contest. This appears, indeed, in the measures propounded by that government, as above set forth, for their exclusion. They cannot be employed in the men of war; and we need not go to America to learn that men-of-war's men are the worst of all possible sailors for merchant ships; neither is it necessary to go beyond Lloyd's coffee-house, to be satisfied that they can no where find better seamen than at home. If, indeed, desertions were encouraged and abetted in the manner pretended by your correspondent,—if the American Government demanded for its naturalized citizens any thing more than is claimed by other nations,—if it refused to England what England would not refuse in the like case to America,—the complaint might fairly enough change sides. Let us try the question by this test.

The naturalisation laws of the United States make no discrimination between seamen and other citizens; they require *five years' residence*, with evidence of good behaviour.

The law of England makes *special provision* for the naturalization of *foreign seamen*, "for their better encouragement to serve on board British ships." By such service, faithfully performed for the space of *two years*, on board a man of war, privateer, or merchant ship, they be-

come entitled to all the privileges of a natural-born subject. (6. Anne c. 37.—13. Geo. II. c. 3.) A statute of so late a date as the 34th of his present Majesty, confers a privilege on foreign seamen, after three years' service in time of war, on board any of his majesty's ships, otherwise reserved for subjects only.

Now, Sir, unless we are ready to surrender seamen thus obtained, it is in vain to pretend a right to the naturalized citizen of the United States: but this we have uniformly refused; and one of the last instances of such refusal is given by Mr. Monroe in the very letter to which your correspondent evidently refers. Under this simple statement of the case, it would be a waste of your readers' time to enter into a refutation of the sophistry by which your correspondent has sought to entangle the question, or to analyse the authorities by which he has endeavoured, but evidently failed, to support his pretensions.

Conceiving this piece to have been written under the irritation of disappointment at the revocation of the Orders in Council, and perceiving in it an effort to provoke that hostile disposition on the other side the Atlantic, that would render the pacific object of that measure abortive, I shall be excused if I notice, for the sake of refuting, what I fear must be called the insulting language of the author to the Chief Magistrate of the United States. The ignorance of Mr. Madison is asserted among other things, because, "that in a pamphlet commonly attributed to his pen, the author *ingenuously confessed*, that he had not an opportunity to read Grotius *in the original Latin*." In a subsequent paragraph, Mr. Madison is evidently referred to, as one of "those who cannot read the great Jurists *in the original Latin*," I have somewhere met,—I remember neither when nor where,—with the highest encomiums on the industry and acquirements of Mr. Madison, and particularly in this branch of his education, at a very early period of his life. This may have been unknown to your correspondent; but the very passage he refers to, must have shown him, beyond all controversy, that Mr. Madison was a Latinist; and the book, in several parts, that he was a critic in that, as well as other languages. The passage in the pamphlet undoubtedly referred to (an examination of the British doctrine, &c.) is in a note at the foot of the 7th page, London edit. as follows:—

"The extracts in the text are from the English edition and translation of Grotius, which is in general loose, and sometimes erroneous. It was inserted before there was an opportunity of comparing it with the original." Then follows the Latin, of which the translation is given in

the text; and this method is pursued throughout, with occasional corrections of the translations, both of Latin and French authors. In several instances, too, he gives the Latin alone; and the book contains copious translations from this language, evidently his own. After such an inference from such premises, the conclusions drawn by your correspondent from the authorities he has quoted, are not much to be wondered at.

That, "Britain is engaged in a war for her very existence," is a very good reason why all the energies of Britain should be exerted in that war; that she should not give up the contest while one stone remained upon another: but "America, as a *bonâ fide* neutral," has no right to interfere in that question. This would be *se bello interponere*, or, as your hypercritical correspondent has it, *interponere se bello*. But if she claims for her bit of bunting a privilege which our bit of bunting does not equally claim, she measures her rights by a rule which I should be very sorry to defend. I believe, Sir, we could ill spare the scores of thousands of foreign seamen which a change of practice in this particular would discharge.

It is very clear, from what is said above, that the number of naturalized British seamen in America, cannot be a serious object of Titigation, even though the emigrant landsmen that may have been tempted by high wages to follow a profession there, which they would not have thought of here, be included. It is equally clear, that the propositions made by the American Government to ours many years ago, would have put an end to such desertions. "I do not believe," says a writer in the *Chronicle* in 1807, "that by the utmost exertions in stopping American ships at sea to search for deserters, we have reclaimed, at an annual average, 200 seamen, or that it is possible to improve our remedy by that species of hostility." I know not where the author obtained his information, but I remember to have received similar information myself at the time from the most respectable sources; and I remember to have drawn the conclusion, under complete conviction, that if British seamen were our real object, a much greater number might be reclaimed under the arrangement proposed by the American Minister, than by the vexatious search which so often deprived the American ship of her own proper seamen, and left her not unfrequently with an insufficient crew to keep her off a lee-shore.

I do hope, Sir, that similar arrangements (one can hardly expect better) will come again under consideration. The subject, though certainly difficult, is not incapable of a satisfactory arrangement, if the

two Governments should meet upon it with those dispositions that may be hoped to follow the revocation of the Orders in Council. With the two Governments, then, let it rest, at least till we see the consequences of this measure.

I cannot dismiss this subject without a remark on the close of your Correspondent's letter: "The cloven foot of Buonaparte." This abominable insinuation of the influence of France, in the councils of America,—in the face not only of the most glaring evidence of the whole correspondence between those countries, but of the clear and defined injunction of the President himself in the very message under consideration, is one of the strongest evidences of that effrontery which is engendered by a gradual series of successful deception. At the very moment of contemplating war with her enemy, the President not only charges the French government with illegal captures by its privateers and public ships, and other outrages on the vessels and citizens of the United States, and with extensive spoliations under a violent and retrospective order; but enjoins on the Government the avoiding of all connexions which might entangle it in the interests or views of that power. The words are, "other powers" [than the United States]: they not only include, but point evidently, and perhaps solely, to France.

Permit me to notice one other passage in your Correspondent's letter. I think, Sir, the plot per Henry, which has lost us a great portion of the friends we had in America, met your decided disapprobation. And truly, whether considered in its origin, the encouragement given to its continuance, or the barely suffering it to continue; a more ill-judged, impolitic, or disastrous event, could hardly have happened. Now, the passage to which I beg leave to call your attention is the following:—

"I presume the American Government does not mean to set itself up as a Judge between the British Government and its subjects, so as to pronounce, that the former has forfeited its right of Sovereignty over all or any of the individuals in question. This would be *interponere se bello*, in a new and extraordinary way: it would be *to make itself a general ally in the war between disaffection and regular government, on the side of the former, and that without any formal declaration of its intention to embark in so preposterous a crusade*. If we are at issue with any of our subjects, on this matter of allegiance, we have at least a right to expect that the United States will be neutral in the dispute." Is it possible that your Correspondent

could have drawn this picture without the Henry plot in his eye? or must we sinners be continually doomed to see the mote in our brother's eye, without perceiving the beam in our own?

In the sincere desire for the restoration of harmony and friendship with our American brethren, I hope we shall be enabled to look at the subject with conciliatory dispositions and an impartial eye;—that we shall perceive, which is the true fact, that Americans are not Frenchmen, neither are American principles French principles;—that we shall be able to bring the matters in difference to the test of the golden rule; and if we consult the luminaries that have thrown such various lights on the law of nations, that we shall adopt those principles only that will stand that test, in all the amplification in which it is adorned by an author, whose *Latinity* your Correspondent will not despise.

“Est quidem vera lex, recta ratio, naturæ congruens, diffusa in omnes, constans, sempiterna, quæ vocet ad officium jubendo, vetando à fraude deterreat; quæ tamen neque probos frustra jubet, neque improbos jubendo aut vetando movet. Huic legi nec abrogari fas est, neque derogari ex hac aliquid licet, neque tota abrogari potest. *Nec vero aut per Senatum, aut per populum solvi hac lege possumus.* Neque est quærendus explanator, aut interpret ejus alius: *nec erit alia lex Romæ, alia Athenis, alia nunc, alia posthac:* sed et *omnes gentes, et omni tempore* una lex et sempiterna et immortalis continebit; unusque erit communis quasi magister et imperator omnium Deus ille, legis hujus inventor, disceptator, lator; cui qui non parebit, ipse se fugiet, ac naturam hominis aspernabitur; ac hoc ipso luet maximas pœnas, etiamsi cætera supplicia, quæ putantur, effugerit.”

I am, Sir, your most obedient servant,

A COSMOPOLITE.

LETTER III.

Times, October 21st, 1812.

SIR,

Since my last communication of the 12th of August, various avocations have interrupted my design of troubling you with a series of observations on the American contest. I cannot, however, pass unnoticed, an extract in your paper of this morning, from the *National Intelligencer*. It contains, what I have long expected to see, a distinct avowal of the infamous duplicity of the American Government. Men, who act, with so utter a disregard to all the sacred principles of truth and justice,—men so consummate in fraud, and falsehood,—cannot always set a watch upon their lips, so as to avoid a confession of their guilt, direct or indirect. The truth will escape them : and their words once uttered cannot be recalled. This is the case in the present instance. The pupils of Jefferson, and the supporters of his feeble tool and imitator, Madison, entrapped their countrymen into a war with Great Britain, on pretence of the existence of our Orders in Council. The moment they had brought their long train of delusion to this (as they thought) fortunate issue, they took care to throw in as a make-weight, among the causes of war, the impressment of American seamen. Our Orders in Council being presently withdrawn, they attempted to make a stand on the impressments alone ; but they found the voice of the country against them. The good sense of the inhabitants of the Atlantic coasts discovered, that this was an evil most grossly exaggerated, and owing its chief causes to the defects in their own laws, and to the misconduct of this very Administration in refusing all fair arrangements on the subject. What do the Jeffersonians now? They revert to the question of the Orders in Council ; and they distinctly tell the world, that they have bound themselves to Buonaparte, not to rest satisfied with their repeal. They say they cannot make peace with England, because that would plunge them into a war with France. Some well-meaning correspondent of your's (a Cosmopolite, as he called himself) was very angry that I should hint, even distantly and by implication, that there was any communion of views or sentiments between Mr. Madison and Buonaparte. No!

it could not be. The President himself had denied it. What can the Cosmopolite say now? The President avows it, by his organ the *National Intelligencer*. The President avows, that a prohibition of all amicable intercourse with Great Britain, "whether our Orders in Council existed or not," was the "consideration" paid on the part of America, for the pretended repeal of the Berlin and Milan Decrees; and that as soon as the consideration fails, the Berlin and Milan Decrees *de facto* revive. Why, Sir, I have heard all this argued before; but then it was by the advocates of the British cause: and it was treated as foul calumny by the friends of America. What they unanimously asserted was this,—and true enough it was,—that the American Government had bound itself over and over again to re-establish the most friendly intercourse with this country, the moment our Orders in Council should be withdrawn. They said, that if Buonaparte should dare to intimate any dissatisfaction at such a step, the offended dignity of the American Government, so "sudden and quick in quarrel," would take fire, and we should soon see that Mr. Madison wore a sword against the insults of a Frenchman. As to the *consideration* of the French repeal, they learnedly argued, that it was a condition executed,—passed by,—dead and gone; and that neither England nor France had any thing more to do with it. I am sorry for the sake of these ingenious advocates, that Mr. Madison himself should now step forth to give them the lie; but for the sake of mankind,—for the sake of the American people,—for the sake of the English Cosmopolites, I am heartily glad that this villainous hypocrite and traitor has at last unmasked himself.

The principal facts referred to by the *Intelligencer* are so simple, that a child can scarcely misunderstand them, but from a voluntary perversion of intellect. In the beginning of 1806, the French troops occupied the neutral countries from the Elbe to Holland. On the 16th of May, in that year, Mr. Fox, the Minister of this country, thought it but a just retaliation, to impose a modified blockade on the coasts of those countries. The modifications met with the approbation of Mr. Monroe, now the American Secretary of State. In November, 1806, Buonaparte issued his monstrous edict against American commerce, termed the Berlin Decree. In January and November, 1807, we issued our retaliatory Orders in Council. The American Government has of late years, (that is to say, since April, 1809,) thought fit to assert that our blockade of May, 1806, was a paper blockade; and that the Berlin Decree was in retaliation of it, so considered. Now mark what follows:—We withdraw our Orders of January and No-

vember, 1807. We give by our Minister, Mr. Foster, a distinct disavowal of all paper blockades, and specifically of the Order of May, 1806, considered as such; with which disavowal the American Government, through the aforesaid Mr. Monroe, declares itself perfectly satisfied. Therefore, on their own showing, every shadow of complaint against Great Britain, with relation to the ground on which the Berlin and Milan Decrees were defended, is taken away; and yet they have the unblushing impudence to turn round and avow, that those Decrees will be again put in force, upon new and totally different grounds, and that we must submit to new conditions: and what, I pray you, are these? Why, to give up among other things the right of search!! We may revoke our Orders in Council,—we may accede to the most equitable terms, in respect of impressment, and blockade, but unless we give up one of the most ancient, plain, and indisputable rights under the law of nations, and entirely throw away the whole benefit of our maritime superiority over the enemy, America is still to be at war with us; or else she is to submit implicitly to the Berlin and Milan Decrees; and possibly may, in spite of such submission, be plunged into a war with France. The writer in the *Intelligencer* puts this last circumstance, as the climax of evils,—as a thing not to be contemplated in imagination without horror. And yet we are to be told, forsooth, that this writer (possibly one of Mr. Madison's Cabinet,—perhaps the President himself) has no tincture of French principles, no bias towards French interests. Away with such insults to common sense. There has long been a tribe of Philosophers in America. Their patron Saint is Thomas Jefferson, a man of a malignant heart, and a dark atheistical intellect. These persons have an innate aversion to the old plain honest sentiments (which they call prejudices) of esteem and veneration for the country, and institutions, and wisdom, and virtues, of their ancestors. They love a Frenchman, or a Corsican, because he is the enemy of England. That he is at heart the deadly foe of America also, escapes their notice. They persuade themselves, on grounds like these, that they are Cosmopolites: and under this cloak they indulge their avarice and ambition by plundering their country, and enlisting it in the cause of the bloodiest of all tyrants. These people are seconded by the scum and outcast of the ruffians and vagabonds of Europe, driven hence by their crimes, to become ardent patriots, and true Jeffersonians, in America! Add to this the secession of French Louisiana, purchased with the money of the United States, to throw another weight into the scale of Jefferson.

Add the corrupt, and venal, and inflammatory presses throughout North America, hired by French Consuls, and regularly salaried to laud and magnify the twin stars of the two hemispheres, Thomas Jefferson and Napoleon Buonaparte. That so formidable and extensive a conspiracy against the happiness and honor of the great Transatlantic republic should have so far succeeded, as it has already done, may be lamented, but cannot reasonably excite surprise. However, the good sense of the honest and sincere Americans begins to be awakened to the true nature of the present war. The address from New Hampshire, inserted in your Saturday's paper, is a proof that delusion has had its day; and I regard this important paragraph in the *National Intelligencer* as calculated to open the eyes of the most incredulous, to the infamy of Mr. Madison and his associates, who, I trust, will speedily be consigned to the disgrace and punishment they so richly merit.

Among other persons in this country upon whom the paragraph which I have been noticing may be expected to make a serious impression, is Mr. Brougham, the eloquent but unsuccessful candidate for Liverpool. That Gentleman was so fully persuaded of the sincerity of the American Government, in their professions of impartiality, that he staked his political judgment upon it; and he now stands pledged to give a zealous support to the war, because they have continued it, contrary to his expectation, after the repeal of our Orders in Council. I, therefore, think your Liverpool Correspondent must have been somewhat inaccurate, in the expressions attributed to him respecting this same war. At all events, when he has cast his eye on the *National Intelligencer*, he will be too candid any longer to censure the British Ministry for having "brought us into the dispute with the American Government."

From the asperity of language, which I have considered to be not inapplicable to the wicked machinations of certain American politicians, it has been absurdly inferred, that I was desirous of promoting a war between the two nations; and some sagacious critic has discovered that I must necessarily have felt an interest in the existence of the Orders in Council, and a consequent disappointment at their revocation. I can only inform the Gentleman last alluded to, that, however strange it may appear to him, I have actually indulged all the warmth of feeling which displeases him, on public principles only, and in no degree whatever from the suggestions of private interest; nay, that I do not know any occurrence, of late years, by which my

own individual concerns have so seriously suffered, as by those very Orders in Council to which he supposes me so much attached. Far from provoking a hostile disposition between the people of the two countries, there is no object, to which I would more readily devote my time, my abilities, my property, nay, my life, itself, than their intimate and inseparable union. I look upon them as (what, in truth, they are) children of the same blood, coheirs of the same glorious inheritance of freedom and truth, divine and moral, which in ages past was planted and watered, in this island, by the sweat and blood of our common ancestors. I grieve to see them disunited by the petty malicious envy, and whispering calumnies of a miserable faction: in fairly describing whose base arts, I conceive that I do more toward establishing a permanent and mutual good understanding between the two countries, than can possibly be effected by any system of submission to insults and injuries disguised under the name of conciliation. I have now shown, that Mr. Madison and his Associates have traitorously involved their country in war, under false pretences. I have shown that they are bound to Buonaparte to continue the war against us, till we shall give up the right of search; and that, on this consideration only, did he pretend to repeal his Decrees against American commerce. If this state of facts can be disproved, let the *National Intelligencer* be contradicted; but if it cannot, let all the real friends of America join with me in execrating a system of deception and fraud, which has been the true and only cause of the existing war between the brother nations.

I am Sir, &c.

L. S.

Oct. 19, 1812.

LETTER IV.

The following was refused Insertion by the Editor of the Times, as contrary to the spirit of the Journal, in a polite note, however: in which he observed that the reference of I. S. to the former Cosmopolite had not been noticed: or the Author would have been required to strike it out.

October 24th, 1812.

SIR,

I am invited by your correspondent I. S. in a letter inserted in your paper of the 21st. to give an opinion on a certain extract from the American National Intelligencer published in your preceding paper of the 19th. instant——“What can the Cosmopolite say now?”

First then I say, that the National Intelligencer is no more “the organ of the American Government” than it is the organ of every man whose opinions the Editor may choose or be otherwise induced to exhibit to the public. And after this remark, all reasoning upon the extract as emanating from that source, is at an end.*

But this reply will not content your correspondent. And I am sure you will permit me, for his satisfaction, to follow him as well in the inferences that he has drawn from this extract as in the other subjects that he has connected with it.

I am no way disposed to dispute your correspondent’s desire for the harmony of the two countries; though I should as soon expect bleeding and warm water to cure the dropsy, as harsh and irritating epithets to promote peace.—I am no party to the charge of sinister motives on his part, of which I am now first informed, though in the constant habit of perusing your paper, but I am content if he will allow me to be equally zealous with himself in the cause of peace, though with very different opinions on the mode of promoting it.

The subjects to be noted are—1st. French influence,—2nd. Impression of American seamen,—3rd. The abuse of Mr. Madison, to which is now to be added that of the ex-president Jefferson,—4th. Mr. Monroe’s construction of the blockade of May 1806,—5th. The right of

search,—6th. The American Press,—7th. The Address not from Hampshire, but from sundry inhabitants of a county in that state,—8th. An Appeal to Mr. Brougham.

On the three first of these topics I may refer with the greater confidence to my letter in your paper of the 24th of August, as the facts therein asserted remain uncontroverted. To the official documents therein referred to, nothing is opposed by your correspondent that can weigh a feather in the mind of an impartial reader seeking after truth. The speculative opinion of a private individual cannot surely be put in competition in a question of evidence with the immediate and open communications of the Government! neither can the resolutions of a Chalk-Farm meeting be considered as the voice of the country. If there be a people on earth whose voice is expressed by its government, it must be the people of the United States, where every branch of that government is elective. And we shall always grope in the dark, as we did in the American revolutionary war; if we neglect the plain and palpable evidence, that this principle holds out, to follow every phantom that springs up in the shape of an individual, or of a town or county meeting.

But if the National Intelligencer is no more the organ of the American Government than of isolated individuals; neither do I consider it less so. In your Journal of the 11th of September I find an extract from that paper of the 4th of August, which carries on its face the evidence of an emanation from the government¹. It breathes the spirit of its public acts. It refers to the same offers of accommodation on the subject of impressments, of which I gave you the items in my aforesaid letter. It repels, like the President's message, all idea of a connexion with France; and exhibits, like that, a readiness to concur in an honorable re-establishment of peace and friendship. I submit to you, Sir, who are the best judge, whether any Editor in the confidence of that government, would, without its approbation, insert the following words: "The idea of a political connexion with France as an expedient to export justice from England is treated with disdain *by every person connected with the Government.*" And if you find internal evidence of its authenticity, I shall recommend it to your Correspondent to prefer the sentiments contained in it, as those of the Government of the United States, to the mere comments of the New York Editor, or the unfounded suspicions of French influence which are alone opposed to the positive evidence of continual resistance to French encroachment.

¹ This extract is given in the Pamphleteer, No. II. p. 538.

With the recommendation of this document I shall leave the first and second topic. I cannot but consider it as of superior authority to the extract in your paper of the 19th, though I should not be greatly surprised to find, on inspection of the whole piece, an inference different from that which is drawn from the small specimen, sent perhaps for no better purpose to be inserted in your columns.—Much prowess has of late been displayed in this way. —A variety of instances of it are to be found in the protest of the minority of the American representatives; and the practice has found the way, I grievously regret to say, to the sanctum sanctorum of a judicial sentence.

On the abuse of Mr. Madison—"the feeble tool and imitator of Jefferson"—I should be disposed to be silent (as I doubt not he would) but that I consider it peculiarly indecent in the author under consideration, while the palpable misrepresentation pointed out in my former letter remains unatoned and without apology.—It has there been demonstrated that the author has perverted a fact, or, what is, if possible, worse, inverted the evidence resulting from a true state of the fact referred to.—This is the essence of falsehood that can only be parried by a subterfuge, if possible, more base, and for which no apology remains but in the acknowledgment of an unpardonable error. Instead of this, the author reverts unblushingly to the same charge of imbecility in the chief magistrate of the United States, in a vein of vulgar scurrility that would place it beneath the resentment of any private gentleman in his own cause.—I have observed in the American papers, that the political opponents of Mr. Madison frequently commence their philippics with an acknowledgment of his purity; and I have been credibly informed that our Ministers report favorably of the mildness and placability of his temper.—All this says little for his talents or industry. But your correspondent, in asserting his ignorance, has referred us to, and even falsely quoted, a work containing a display of talent and investigation as superior to any thing that I have ever seen from his pen, as its language is chaste and decorous in comparison with his foul declamations. I feel this to be due to the character of the work; although there are important points asserted in it to which I should no more subscribe than your correspondent.

On what is said of Mr. Jefferson; I shall leave the "malignity of his heart" to be judged of by the searcher of hearts, and his "dark atheistical intellect," so long as it interferes not with the exercise of my own understanding, to the amusement of his solitary hours.—To des-

cant upon these subjects would be travelling into a kingdom not of this world.—But when your correspondent, by a metaphor drawn from some patent astrology that I have not yet learnt, separates the twin stars and places them in two hemispheres, in order to connect the political opinions of Thomas Jefferson and Napoleon Buonaparte: I am at a loss to decide whether nature or fact is the most distorted.—In the Chronicle of the 13th of December, 1808, there is a letter signed *Conciliator*, in which much is said on this subject; and from which I extract the following: “I do not know, that they” (Jefferson and Buonaparte) “are equidistant from the true medium between anarchy and despotism; but it is very clear that they are on opposite sides of it.”—And if Mr. I. S. had separated the *Gemini* by leaving one in his place, and splitting the other on the arrow of *Sagittarius*, the metaphor would have been more appropriate; for then they would have been in opposition.—I think favorably of the purchase of Louisiana; and chiefly because it would otherwise have been a nestling place for Frenchmen and French principles. The weight thus attached to the American Government, or to Mr. Jefferson, if it please your correspondent, was so much detached from the other twin star.

On the subject of Mr. Monto's construction of the Blockade of May, 1806, I subjoin an extract from a work printed here before the notes *variorum* that have appeared in the American publications from which Mr. I. S. has evidently taken a hint; and I do this the rather, as the period of its publication demonstrates that it was not done in contemplation of any of those remarks or in opposition to them. It shows, moreover to my conception, the natural inference that the premises present to a mind unobscured by party mist. The extract is as follows: “The American minister here, in transmitting it to his government on the day it was received, gives it a more favorable interpretation than, on further investigation, it would bear. The exception, setting forth that such blockade shall not extend to prevent neutral ships and vessels, laden with goods, not being the property of His Majesty's enemies, and not being contraband of war, from approaching the said coasts, &c. he considers as an admission of such vessels under circumstances, in which they had been previously interrupted. He admits that he has been too short a time in possession of the paper, to trace it in all its consequences; but intertains no doubt that it may be viewed in a very favorable light. He considers it a good omen in reference to a question in long contestation, on the subject of the trade with enemies' colonies, yet to be settled by treaty; and three

days after, he finds himself strengthened in his opinion. To say that Mr. Monroe was not warranted in this opinion, is opposing less than nothing to the argument. It is the *onus* we are seeking: the friendly and favorable eye with which ambiguous measures are viewed; and the more erroneous the construction taking this direction, the stronger is the evidence of cordiality; and his reluctance at being undeceived by the candor of Mr. Fox, when, in a conversation three weeks after, "he did not seem willing to give his sanction to the inference, that he (Mr. Monroe) had drawn," places beyond all doubt in my mind, the evidence of a strong bias in favor of a good understanding between the two countries. That the same disposition existed at the same time with the Government in America, might be inferred from the silence of Mr. Madison on the subject at the time, who, notwithstanding the microscopic examination, with which he inspects these things, knowing that a treaty was on foot between Mr. Fox and Mr. Monroe, in which Mr. Pinkney was on his way to assist, trusted, no doubt, with Mr. Monroe, "that the business would, ere long, be placed on a much more solid footing." "But we are not left to the silence of Mr. Madison, for a proof of this disposition." &c.

I should not be greatly surprised, if a recurrence to the disputes of the day should show the opposition, relating the construction of Mr. Monroe, which it is now so convenient for them to adopt; but this I have not the means to investigate. On reverting, however, to my own copy of the letters of Mr. Monroe, of the 17th and 20th of May, 1806, which, was among the first that appeared in this country, I find my notes on a first, and probably an only, reading to be (against the words "it must be viewed in a very favorable light.") I think Mr. Monroe commits himself here;" and against the words giving his opinion "that Mr. Fox's note of the 16th, was drawn with a view to a principal question with the United States, I mean that of the trade with enemies' colonies," my note is "I cannot see this." But the fact is, that the dispute between Mr. Monroe and Mr. Foster has been less on the order, as issued by Mr. Fox, than on the construction of it in the succeeding administration:—a sophistical distortion of the original intention, which has been constantly denied by the members of the administration under which it was issued. Accordingly, we find Mr. Monroe telling Mr. Foster that, "as now expounded, it is inconsistent with the sense

* The dispute with America considered, p. 53

of his Government, when it was issued." The letters of Mr. Foster give any thing but "a distinct disavowal of all paper blockades, &c." neither has the American Government "declared itself perfectly satisfied with such disavowal." "It manifests satisfaction the admission that the application of an adequate force is necessary, to give a blockade a legal character;" but evidently looks forward to a modification of a nature so uncertain as to be the subject of subsequent consideration,"—"and if it be inconsistent with the law of nations," says Mr. Monroe, "there will be no objection by this Government to contest it." There is sufficient evidence in the tenor of the correspondence, to show that this is one of the subjects on which (Mr. W. Wellesley and his colleagues, to use his own words, "differ pretty stoutly." It would be a reproach to the propriety of that noblesman, to suppose that he did not perceive the fallacy of the pretensions of the other Ministers on this subject; and yet less derogatory to the dignity of his character to presume, that he would not do all that depended on him, to place the Government in a most advantageous attitude.

It will be as well to add here, (though not in the order I had prescribed,) the address of the letter, to Mr. Hampshire, on account of its connection with this particular subject. I mean not to go again over the ground of the impropriety of reasons which they believe to be misrepresented; and as it is little more than a gratuitous exaggeration; because if this address were to be considered equal in point of authenticity to the official documents (such for instance as that premised, and, I presume, given, by Mr. Monroe to Mr. B. B. May) still the question is not as to the precise number of the copies, but whether the fact exists at all. But it is observable that until a notification of the revocation of the Ordinance Council, and until the notification before them issued, they still considered the blockade as existing; and truly it might puzzle wise heads to discover in the numerous other evidence to the contrary. Your correspondence with Mr. B. B. May in the inconclusive correspondence of Mr. Foster with Mr. B. B. May seems the evidence of its nullity; whence we may suppose that Mr. B. B. May discovered nothing relating to its revocation in the correspondence; and, though Mr. Foster tells Mr. Monroe, that "the fact of its being continued or not, will be notified at the time of the report of the Ordinance Council;" we seek in vain in this document for any confirmation. I can tell your Correspondent, however, for it is a secret, that it will be found doing so at one of the vital parts of this, I had nearly said, weak page.

On the subject of the right of search, I do not find that even the extract referred to requires us to give it up, as Mr. F. S. asserts. Unless England would abandon the present system of blockade of search, and imprisonment, (this point), Now it is notorious, that the search always complained of by the American government, is the present system of search and imprisonment, taken in conjunction with each other, whereby a number of her officers have been wantonly dragged on board our ships of war, and if the words were divided, I should still say, that much stronger evidence might be produced to show, that to the legal right of search and imprisonment, the American government has no objection.

As to the charges, I think it is a gross calumny to say, without doubt: equally so, in regard to the charges of corruption. I doubt its truth, and corruption, except in the case of a few individuals, may direct their bent, as the case of the late election has carried the voters of Liverpool against a party, who were running a race so high that there can be no doubt, as to the party on either side, whatever an author may wish without incurring expense. And, allowing a fair allowance for the truth, it is a disappointed party. I confess, I have not been able to ascertain the difference in the degree of acrimony on either side. But what I chiefly mean upon, is that all the pretences of French influence, exhibited in these prints, are not only unsupported by a single fact, but in contradiction, as well as the spirit, as in the letter, of the official correspondence between the United States and France, that it is utterly impossible that any such influence can have existed. The honorables of France have been exposed to the whole people of the United States, in direct official communications. The sensibility they have excited, and the animosity they have met with, have been equally exposed. The legislature has been officially called upon by the president, to determine whether to go forward with England, not to entangle itself in the quarrel of France. And I put it to the logical minds of your Countrymen, whether, under these circumstances, there is any room for the grossest and most malicious conjectures, which, to encourage the passions of the people, are so happily adapting. Whether, indeed, there is any room for the grossest and most malicious conjectures, an incontestable contradiction to the facts, and the spirit of the official correspondence. I cannot now be expected to bring any without appealing to that gentleman for giving us his opinion from which he is so much indebted to the public. His defence, stated, I shall

leave to himself, if he think the insinuation worth his attention. But after just observing, that at the moment of exultation at the success of an arduous opposition to a pernicious measure; he did not contemplate the effect produced by that measure, at three thousand miles distance, at the time he was speaking, and therefore finds in the war a consequence of the perseverance of Ministers, in a system that he had always deprecated; I shall take the liberty to add that a more rigid scrutiny into the document, whose general object he was commending, would probably have excited some doubts of its success. Mr. Brougham, and even the successful candidate for Liverpool, recommended a revocation and not a suspension. America required that all the edicts should *cease* to violate her neutral commerce. The Order of the 16th of May, 1806, was not explicitly revoked by the instrument in question, and the express reservation of the right of restoring the Orders, in the last paragraph but one, reduced it virtually to the suspension that Lord Castlereagh had originally intended.

I believe, Sir, that all this might have been got over, and even the useless and unhappy introduction of "measures of retaliation against the enemy," into a document that ought to have been confined to Great Britain, and the United States; much indignation as the President has always expressed at the effort to involve America in French pretensions; because I cannot charge His Majesty's Ministers with any deep design. And though such might possibly be suspected on the other side the Atlantic; the suspicion would have yielded to those friendly expostulations which the President has always courted. But the sword is drawn; the passions are on fire; "the loss of their army," as Vetus says, "will irritate the American pride; the capture of our Frigate will inflame their vanity." Surely these consequences, not of the revocation of the Orders in Council, but of the tardiness with which the measure was adopted, are not to be charged to Mr. Brougham, or Mr. Baring, or Mr. Whitbread, who had for years been urging it.

Let us hope, however, that the door of conciliation is not yet closed; or rather that it may be speedily re-opened. For my own part, I cannot abandon the opinion, that a plan of pacification as honorable to both parties as the nature of the case will admit, as durable also as could be reasonably looked for in the state of human affairs, and cordial, might be drafted on half a sheet of paper; so as

to embrace all the subjects in contestation, and to give general satisfaction. But ask me not if I expect such a thing, or from what quarter it may come.

OBSERVATIONS
ON SEVERAL
AUTHORS AND BOOKS
IN THE
ENGLISH AND FOREIGN LANGUAGES,
WHICH ARE NECESSARY,
FOR THE FORMATION
OF A
SELECT AND SMALL LIBRARY.

PRINTED EXCLUSIVELY IN THIS WORK.

1813.

PREFACE.

THE following account of books was written a few years since in a letter to a lady, for the purpose of pointing out to her those books that might be most proper for her closet. I could then have enlarged the plan without difficulty; a principal effort was to keep it within due bounds. It was formed entirely from recollection and therefore it is possible that there may be many authors omitted which might be read with pleasure and profit, but there are none, I feel certain, recommended, from which neither can be derived.

Shakespeare has raised the English Theatre to a pitch of glory which that of no other nation has reached, but from him to the second class of Dramatic writers, there is a dreadful descent. The comedies of Congreve, though sparkling with wit, cannot be recommended for the library of a lady: the licence of the stage at the period in which he wrote was too great. The Comedies of Sir John Vanbrugh and Cibber are among our best.

I have mentioned scarce any poets of the second class, because mediocrity in poetry is less supportable than any other kind of writing; and because many books that may be read with amusement, yet do not deserve a place in a select and small library: for that reason, almost all novels are rejected.

In English History, I am far from offering Rapin and Tindal as elegant writers, but Rapin is the only author who has given a just idea of our government. He is moreover rich in facts, and may be depended on: he quotes all his authorities in his margin, which may be used as a valuable guide to the original authors, state papers, &c. Tindal, taking up the thread where Rapin leaves off, gives a faithful gazette of occurrences for the period to which his continuation extends.

In French History I have recommended Velly instead of Mezerai, though the latter is the more celebrated Historian; but his style is old and not pleasing; the former too, with a continuation by other hands, embraces a much larger period.

Buffon's *Natural History* is far superior to all others, and, at the same time very entertaining; written with great vivacity and elegance, as well as knowledge of his subject. He possessed too much fancy and taste, not to scatter flowers over the most barren part of it.

THE AUTHOR.

London,

July 30th. 1813.

OBSERVATIONS, &c.

GEOGRAPHY and Chronology are justly called the eyes of History, which without them is a chaos "without bound, without dimension, where length, breadth, height, time and place, are lost." Therefore, for ancient Geography, I would recommend *Geographie Ancienne, Abrégée Par D'Anville* in 3 vols. 8vo. to read, or refer to: the last edition of Guthrie's Grammar will, I should suppose, be sufficient for modern, and the maps of D'Anville for both: For Chronology, *Blair's Chronological Tables*. The study of History is of all others the most amusing, the most interesting, and the most improving. It brings before our eyes, as it were on a stage, men of all ages, nations, ranks, and characters, acting a variety of parts and teaching us by their successes or misfortunes how to act our own. It teaches us too, by affording infinite opportunities of comparison, a knowledge of mankind which no experience can furnish.

First in order is ancient History. I remember so little of the voluminous work of Rollin, as not to venture to decide whether it will quite pay you for the trouble of reading it. I have rather an idea that it will not. If I do him wrong, I beg his pardon, but, I am almost certain that *Elémens D'Histoire par l'Abbé Millot*, will give you a sufficient sketch, which you may afterwards fill up and improve by reading (if you choose to take the trouble of being very learned in Greek History) translations of the original Authors,

Herodotus, Thucydides, and Xenophon, or perhaps, without these, two volumes in 8vo. of *Stanyan's Grecian History* may gratify you. I would recommend, however, *Spelman's Translation*, in 2 vols. 8vo. of *Xenophon's Retreat of the 10,000*, and some translations of *Xenophon's Cyropædia*. I am not acquainted with any myself.

The Lives of Plutarch: certainly, he exhibits his illustrious men still as men: not only glittering in armour, or directing the councils of empires, but such as they really were in the most interesting and common occurrences of private and domestic life. They are all admirable, but those of the Grecians are to be preferred.

Hook's is the best *Roman History*: this will lead you to the history of the *Grandeur et Décadence des Romains, par Montesquieu*, and that to *Gibbon's Decline and Fall of the Roman Empire*. If you choose to avoid the latter's sarcastic account of the rise and progress of Christianity, you must omit the 15th and 16th chapters of the first volume. The style of Gibbon is, in my opinion, superior to that of any English historian, except Lord Clarendon—strong, brilliant, sententious, elegant, and correct. He has dared to produce to public notice, and contrived even to give interest and amusement to, a period of history, which, till he undertook it, lay buried under a heap of Gothic rubbish, which scarce any one was bold enough to touch, and which he, by touching, has changed to gold.

I have not read *Crevier's Histoire des Empereurs Romains*, but have heard it mentioned with approbation—however, as Gibbon gives all their histories, it is the less necessary.

Middletton's Life of Cicero, though it inclines to panegyric, will give you a juster idea, on the whole, of that great man, orator, philosopher, and statesman; than is to be met with elsewhere. His style is excellent, flowing, correct, elegant, and pure.—You should read too *McIlmoth's Translations of the Letters of Cicero, and of his Treatises on Friendship and Old Age, and of Pliny's Letters*. The style of all these is elegance itself.

Vertot's Révolutions Romaines is a book in some degree of estimation.

The Eloquent *Bossuet's Essai sur l'Histoire Universelle*.

The moral works of *Plutarch* must not be forgotten: they

deserve a distinguished place in your shelves allotted to ancient literature, as well as the *Memorable Sayings of Socrates* recorded by his pupil Xenophon.—They are full of wisdom, and will show you a faithful portrait of that man so superior to all others. There is, if I mistake not, a translation of them from the Greek into English, by Mr. Lennox, and another by Monsieur Charpentier into French, published with *La Retraite des dix mille par d'Abblancourt*, in 2 vols. 12mo.

Of ancient poets, you will of course read, *Pope's Translation of the Iliad and Ouysey*, and *Dryden's Translation of Virgil*.

If you wish to trouble yourself about the ancient Drama, you may look into *Théâtre des Grecs, par le pere Brumoi*, and *Potter's Translation of Æschylus and Euripides*, and read *Dacier's* or *Colman's Translations of Tereuce*.

English History, and Historians who have written in English, Moral Works, Essays, Novels, &c.

Rapin, with Tindal's continuation, in 5 vols. folio.—Hume: for whom, however, I must confess I have no partiality, and take the liberty of cautioning you not to believe what he would persuade you, that the people of England were wolves, and the Princes of the House of Stuart, Lambs: his style is good, in spite of some lurking Scotticisms, and he tells his story agreeably, but, for just information, there is no comparison between him and Rapin.

Lord Clarendon, the first of English Historians. Purity of style is not to be expected from him, for it did not exist in our language till the days of Swift and Addison. But he atones amply for this defect by strength, majesty, and a copiousness of diction, that is sometimes redundant: by a candid and dignified air of truth, that defeats at once all scepticism; and by a talent (peculiar to himself) of painting characters in colors that make them live and breathe. If, after all, he is partial to the cause of which he was the chief ornament, the support, and the victim, who can blame him? he was a man liable to error, open to affection, but above corruption or wilful misrepresentation.

Burnet's History of His Own Times, has been abused, but

it is the best and most authentic source of information for the period it embraces :—not much is to be said for the Bishop's style.

Robertson's History of the Queen of Scots is still his best work. But his *Life of the Emperor Charles the First*, and his *History of America*, have both great merit. His style pleases me better than that of Hume,—it is less studied and yet more correct.—Flowing on in a gentle but uniform current, which, if it never swells above its banks, nor sweeps all before it, yet it is never retarded or deficient.

Melville's Memoirs contain curious circumstances relating to Queen Elizabeth, which prove that her great qualities were counterbalanced by the weakest vanities and most ridiculous failings.

Cary's Memoirs show Queen Elizabeth in her last miserable hours, putting a period to her own life, because she had cruelly or inadvertently sacrificed that of Essex, dearer to her than herself.

Mr. Walpole's History of Noble Authors is full of entertainment and information—His *Anecdotes of Painting in England* deserve the same character.

The Biographia Britannica is worth having, to consult as a dictionary, if not to read through. It contains the lives of all the most remarkable persons that have flourished in Great Britain or Ireland.

Mémoires de Grammont may certainly be called English History. The gay Court of Charles the Second will live for ever in them—at least, as long as good taste and the French language.

There are vast collections of *State papers* and letters, among which one might lose oneself. If you have curiosity to examine any, none deserve your attention more than those of *Lord Stafford*, in 2 vols. folio, and those of the *Sydney* family, likewise in 2 vols. folio.

Watson's History of Philip II. of Spain, is full of important events.—The siege of Malta is particularly described.—His style is without ornament, simple, and clear.

I must now beg leave to conduct you back to an earlier period, and introduce to you (not without some anxiety as to his reception) the great *Lord Bacon*. In his general *Essays written by himself in English*. (I mention this particularly because there is

an English translation of them by an inferior hand from the Latin, in which he wrote them originally, as well as in English) you will find strong sense, deep, acute observation, a quick and lively wit, and rich imagination. His style boasts not the light elegance of modern ornament: but like the faded gold and silver one observes in ancient hangings, must be esteemed for its magnificence and intrinsic value. It is in obedience to your commands, but, at the same time very much with the approbation of my own judgment, that I add the Admirable Letters of *Algernon Sidney*. They are published in the last edition of his *Discourses on Government* in 4to. therefore, if you choose to read at the same time those elegant and animated discourses, *cela dépend de vous*. You will find in them an eloquence that seems to flow spontaneously from strong feeling, and to breathe the immediate inspiration of sentiment, instead of betraying the slow and ineffectual touches of art.

The Papers of Mr. Addison in the Spectator, distinguished always by one of the Letters of the muse Clio, placed at the end, are not only far superior to the rest, but may be considered as perfect models of pure, correct, and polished writing, enlivened by a vein of elegant pleasantry that was all his own: and sufficiently enriched by metaphor and imagery. The essay on the Pleasures of the Imagination, and that on Wit, contained each in a series of separate papers, are excellent of their kind.

The World is, I think, the least degenerate descendant of the *Spectator*. The humor and style are modern: the manners and foibles of the times are hit with precision and ridiculed with spirit. This is the less to be wondered at, since many papers in this work are written by Lord Chesterfield, Mr. Horace Walpole, Mr. Soame Jenyns, and Mr. Cambridge.

Authors of the Different Papers in the "World."

1 Mr. Moore	9 Mr. Moore	17 Earl of Bath
2 Do.	10 H. Walpole	18 Earl of Chesterfield
3 Do.	11 Mr. Moore	19 W. Whitehead
4 Do.	12 Mr. W. Whitehead	20 Mr. Moore
5 Do.	13 Mr. Moore	21 Do.
6 H. Walpole	14 H. Walpole	22 ———
7 Mr. Moore	15 Mr. Coventry	23 Mr. Moore
8 H. Walpole	16 Mr. Moore	24 Earl of Chesterfield

25	Earl of Chesterfield	81	Mr. Moore	136	-----
26	Mr. J. Wharton	82	Mr. Loveybond	137	-----
27	J. Tison	83	Mr. Whitehead	138	Mr. Moore
28	H. Walpole	84	Mr. Duncombe	139	Do.
29	Earl of Chesterfield	85	Mr. Moore	140	Sir D. Dalrymple
30	Mr. Moore	86	Mr. Cole	141	-----
31	Do.	87	Mr. Moore	142	Mr. Moore
32	Mr. Dodsley	88	-----	143	Do.
33	Mr. Moore	89	Mr. Moore. — The	144	Do. ..
34	Do.		verses, Garrick	145	Do.
35	Do.	90	Earl of Chesterfield	146	Earl of Chesterfield
36	Mr. Duncombe	91	Do.	147	Sir D. Dalrymple
37	Sir C. Williams	92	Do.	148	Earl of Chesterfield
38	Mr. Pitt	93	Mr. Loveybond	149	-----
39	Mr. Moore	94	Do.	150	-----
40	Do.	95	Mr. Moore	151	Earl of Chesterfield
41	Do.	96	Do.	152	-----
42	Do.	97	Do.	153	S. Jenyns
43	Do.	98	Earl of Chesterfield	154	Mr. Moore
44	-----	99	R. O. Cambridge	155	Mr. Ridley
45	Mr. Roberts	100	Earl of Chesterfield	156	R. Berenger
46	Mr. Moore	101	Do.	157	S. Jenyns
47	Earl of Corke	102	R. O. Cambridge	158	Mr. Moore
48	Mr. Moore	103	H. Walpole	159	R. G. Cooper
49	Earl of Chesterfield	104	R. O. Cambridge	160	H. Walpole
50	R. O. Cambridge	105	Earl of Chesterfield	161	Earl of Corke
51	Do.	106	R. O. Cambridge	162	-----
52	Mr. Moore	107	Do.	163	S. Jenyns
53	Do.	108	Do.	164	-----
54	R. O. Cambridge	109	-----	165	-----
55	Do.	110	G. Cooper	166	Mr. Boyle
56	Do.	111	Earl of Chesterfield	167	J. Tison
57	Mr. Moore	112	Do.	168	-----
58	Mr. Whitehead	113	Do.	169	-----
59	-----	114	Do.	170	Mon. Mr. Boyle
60	Hon. Mr. Boyle	115	Mr. Moore	171	-----
61	-----	116	R. O. Cambridge	172	J. Tison
62	-----	117	Mr. Marriott	173	Mr. Moore
63	-----	118	R. O. Cambridge	174	Do.
64	-----	119	Do.	175	-----
65	R. O. Cambridge	120	E. of Chesterfield	176	Mr. Moore
66	-----	121	Mr. Marriott	177	-----
67	J. Tison	122	Mr. Herring	178	S. Jenyns
68	Earl of Corke	123	R. O. Cambridge	179	-----
69	Mr. Moore	124	-----	180	-----
70	R. O. Cambridge	125	S. Jenyns	181	-----
71	Do.	126	-----	182	Mr. Moore
72	Do.	127	-----	183	Do.
73	Mr. Moore	128	Mr. Moore	184	Mr. Gataker
74	Mr. Parratt	129	-----	185	Earl of Corke
75	Mr. Moore	130	2nd letter Mr. Moore	186	Mr. Moore
76	R. O. Cambridge	131	Mr. Mulse	187	Do.
77	Mr. Moore	132	Mr. Loveybond	188	-----
78	John Cole	133	Mr. Moore	189	Earl of Chesterfield
79	R. Berenger	134	Mr. Loveybond	190	-----
80	-----	135	-----	191	-----

Of the florid and brilliant Lord Bolingbroke, you should read, for the sake of style, the *letters on the Study of History*, and

those on the *Spirit of Patriotism*, and the *Idea of a Patriot King*. Nothing can be more contrasted than the eloquence of this splendid writer, and that of Algernon Sydney: the one, all words; the other, all sentiment and thought: that of Sydney, like a fine Grecian statue, which owes its beauties and effect to the naked graces of just proportion and natural attitude: that of Bolingbroke, like a figure which derives its merit rather from the elegance of its drapery than of its form.

Of another cast still, is the eloquence of *Burke*, who possesses an abundant source of it, and pours forth lavishly, the treasures of an inexhaustible imagination: which fertilise and enrich even the barren soil of Metaphysics, and render the essay on the *Sublime* and *beautiful* an entertaining work.

Among eminent and eloquent writers, it is impossible to omit the unknown, invisible *Junius*. Though his relentless pen, devoted to a party, mangles its victims 'with insatiable' cruelty; though his satire is local and personal, yet the unequalled poignancy of his delicate irony: the strong tone of reproach which he assumes when the occasion demands it, without losing his dignity; his powers of reasoning and of eloquence, his judgment in choosing the vulnerable parts of vulnerable characters, and in pushing his blade where it is sure of being most severely felt: his purity, elegance, correctness, and brilliancy of language, will send down to posterity, a work which (from its subject) was not calculated to outlive the age in which it was produced.

Clarissa, as the first of novels, claims a place in your library. I have heard a celebrated author say, that he knew no instance of a story so well invented and conducted.

Grandison (though inferior) is of the same family and has the features of his sister.

If you expect a long catalogue of sermons, I fear I shall disappoint you and come to disgrace. There are many, no doubt, in our language, that for piety, argument, and good sense, are univalled by those of other nations; but few that have elegance of style, animation, or eloquence to recommend them. The first in those respects are *Blair's*; moral, pathetical, always elegant, and often eloquent.

Ogden's have spirit, originality, acuteness, force, and vivacity

of style : with an affectation of singularity that sometimes lessens their effect.

* *Sterne's*, purified from the mixture of ludicrous that peeps out, often in very improper places, would deserve all praise. Having mentioned *Sterne*, I cannot help observing that, in his *Tristram Shandy* and his *Sentimental Journey*, he seems to me often to miss the humor he aims at, often to lose it, by plunging it *parmi les ordures* : but to succeed invariably, whenever he wishes to succeed, in the pathetic. In that respect, he is a master of the human heart, and of its tenderest and finest feelings.

English poetry.

Of English, and indeed of all other, poets (in my opinion) Shakspeare is the first.—*Milton* : after being emancipated with *Paradise Lost*, you must be delighted with *Comus*, and the *Allegro*, and *Penseroso*.

Spenser's Faery Queen. Gray, before he composed poetry, always read some stanzas of *Spenser*. You should have *Watson's Annotations on Spenser*, 2 vols. 12mo.

Dryden. Derrick's edition, in 4 vols. 8vo.

Gray's Poems, with *Mason's Memoirs*.

Swift : rather indeed to be valued for his prose than his poetry.

Thomson : to whom nature set for her portrait. His descriptions have never been surpassed, and seldom equalled ; they "breathe the smell of field and grove." He is, however, often verbose, and generally dull and prosaic when he attempts to be moral.

Goldsmith is a genuine poet ; of which his "Traveller," and "Deserted Village," will be everlasting proofs : but alas !

"Chill penury reprov'd his noble rage,
And froze the genial current of his soul."

His degraded pen was compelled to submit to the drudgery of writing *Histories*, *English* and *Roman*, for the use of schools, instead of immortal verse.

* It has been stated that these *Histories*, &c. were not written by *Goldsmith*, but only sanctioned by his name.—An author, however, is equally responsible to the literary republic for the productions sanctioned by his name, as for those actually written by himself.

Churchill must be owned as a poet not of vulgar rank, though his muse was savage and licentious like himself. His extreme incorrectness, and numberless bad lines, will not rob him of his title—it is sufficient that he has composed such as genius alone could inspire.

Mason's Caractacus and Elfrida are among the first poetical works of the present day.

Beattie's "Minstrel," though it cannot be placed in the first class of English poetry, is so pleasing, and exhibits so amiable and just an image of his mind, that it is impossible to exclude it

French History, Memoirs, Letters, &c.

Histoire de France par l'Abbé de Vélley et ses continuateurs.

Abrégé de l'Histoire de France, par Hénault, 2 vols. 8vo. This masterly outline comprehends more than many voluminous Histories.

Mémoires de Philip de Comines. The style is old, but the matter and manner very curious and entertaining. He was an actor in many of the scenes, and knew thoroughly the characters he describes: we are obliged to him for a more perfect knowledge of those of Louis XI. of France, and Charles Duke of Burgundy, than we can acquire of the illustrious persons of our own age.

Mémoires de Sully: an exact account of so rare a thing as a great, though absolute, Monarch, given faithfully by his favorite Minister, who was greater than himself, and proof against all the temptations of power and of fortune, has been presented to the world but once.

Mémoires du Cardinal de Retz, whose commanding genius had power to disturb the peace of a great kingdom, and shake the throne of its sovereign, without having any regular object, either of Interest, or of Ambition, in view for himself.

Mémoires de Madame de Motteville. She was Dame d'Honneur to, and a favorite of, Ann of Austria, and heard and saw all that passed in that busy Court and interesting period. Her habit and *bonne foi* tell many curious circumstances, of which the dignity of grave Historians would have left no memory.

Siècle de Louis XIV par Voltaire.

Mémoires de Gourville, honest and full of information, but not elegantly written.

Lettres de Madame de Sévigné, though most properly historical, are full of anecdotes of the times. Her enchanting pen gives life and grace to every subject. Its negligence is so happy, that sentiments and expressions beyond the reach of art and study seem to drop from it by accident. Elegance unsought always attends it, and her strong feeling elevates her style to eloquence, whenever "fit occasion demands it from her."

Lettres du Comte Bussy Rabutin are perhaps worth reading on their own account, but much more, because among them is his correspondence with his Cousin Madame de Sévigné, with several of her letters.

Lettres et Mémoires de Madame de Maintenon. The world has produced only one widow of a nominal husband of low degree, married to a great Monarch, without being, or desiring to be, a Queen, and she has left to it a faithful image of herself in her Letters.

Souvenirs de Madame de Caylus, her favorite niece.

Mémoires de Noailles, containing, among much other curious matter, an account of the reign of the Grandson of Louis XIV. who succeeded to the Spanish monarchy, and of his first Queen, a Daughter of the Duke of Savoy, who had uncommon talents: Many particulars of Spanish manners, of Louis XIV. himself, and dispatches written by him, that give an idea of his abilities far superior to that generally entertained.

Mémoires de Madame de Staël, not Historical, but very entertaining.

Natural History, Moral Works, &c. in French.

Histoire Naturelle par Buffon. Without this work no library can be complete.

Caractères par la Bruyère. Of all Books of morality, this appears to me to be the best adapted to the uses of common life. He had studied it and understood it well. his work is the school of

virtue and of common sense ; it is impossible to read it often without being wiser and better for it.

Œuvres de J. J. Rousseau. The principal is his *Emile*; in it he has shown great vigor of mind, and a deep insight into human nature ; watching the birth and tracing the progress of the passions with an acuteness of observation, that belongs only to genius. His lively imagination and glowing eloquence carry directly to the heart maxims calculated to elevate and improve it. As a system, his plan of education is certainly impracticable and absurd : it requires judgment to select the parts that are practicable and useful.

Œuvres de Voltaire. The fame of Voltaire was founded on his Dramatic works, and it would have been greater if he had written nothing else. His Tragedies are admirable, the characters drawn with truth and spirit, and kept up with propriety. The language, pure and elegant, elevated and majestic, without being pompous or tumid : the dialogue is natural and not at all embarrassed and deadened by those long and tiresome declamations, so usual to the French Stage, which resemble rather the exercises of a College than the Speeches of the persons of the Drama. The *Enfant prodigue* has been generally a favorite Comedy. In his historical works, viz. *Essai sur l'Histoire Universelle*, *Siècle de Louis XIV.* and the lives of *Charles XII.* King of Sweden, and *Czar Peter of Russia*, will be found both entertainment and information. His fancy, taste, vivacity, and pleasantry, (whatever course they take) leave a tract of light behind them, and yet I can scarce venture to recommend those of his works where these principally prevail.

Lettres Persannes par Montesquieu. Delicate irony, just satire, vivacity, genuine wit, and a polished elegant style, unite to make this the first work of its kind.

Mélanges par d'Alembert, Éloges par d'Alembert, which perform more than the promise of their title, and instead of insipid, fulsome panegyric, present impartial biography, recommended by a superior style. That of this author, though it has not the eloquence and glow of Rousseau, nor the brilliancy, pleasantry, and sarcasm of Voltaire, has a weight, and strength, and a serious dignity, which best become the solid good sense that it always conveys. Nothing at the same time can be more pure and polished.

Contes Moraux par Marmontel are written with taste and elegance.

Sermons par Massillon, moral, pious, and full of knowledge of the world, the style is always elegant, and rises occasionally to the sublimest flights of eloquence.

Sermons par Bourdaloue excellent, but inferior to those of Massillon in taste and politeness.

Orat. on funebres par Bossuet

Histoire Philosophique et Politique des établissemens et du Commerce de l'Europe dans les deux Indes par l'Abbé Raynal, is very entertaining, passing rapidly over a variety of interesting matter, so rapidly however as scarce to leave any impression behind. The style is always good and animated. The Abbé Raynal has been guilty of a fault, unpardonable in an Historian, that of neglecting the authorities. After having mentioned an entertaining work, it is impossible to omit the *Mémoires de Pétrarque par l'Abbé de St. Evre*. If you read them, it will interest you the more in any case. Petrarque (and who has not heard of Petrarque?) in his romantic solitude at Vaucluse, repeating to its wild rocks, in numbers which have made them immortal, his constant passion for Laura, must be interesting. These *Mémoires* give besides in exact and lively portrait of the curious times (and then manners) in which he lived.

French Poetry.

Of this, my Catalogue will be short. The language is allowed not to be proper for Poetry.

Ouvrages de Gresset, in 2 vols. 12mo. are very elegant. His *Vert-Vert* is the best of them. His *Mechant*, an admirable Comedy.

Fables par la Fontaine. Sly pleasantry peeps out through an arch and elegant simplicity. The happiest turns of thought and of expression seem to be dropped by the Muses themselves on his paper. For nothing appears to be the effect of art and labor. What a pity that it is impossible to recommend the other works of this charming writer!

Boileau is to be read more for his good sense than his Poetry.

In Dramatic Poetry, the French are certainly not deficient. The *Tragedies of Voltaire* are perhaps only inferior to those of Shakspear.

The sublime *Cornelle* I have never read; and think I should find difficulty in toiling through those unnatural declamations, which in him supply the place of Dialogue.

The merits of *Racine* in Tragedy, and *Molière* in Comedy, are sufficiently known.

The Comedies of *Destouches* have considerable merit, and are the great storehouse from which our modern writers of Comedies for the English stage have pilfered.

My intention was to have troubled you with only a short Catalogue of Books, to which (though it has already grown into a volume) I cannot forbear adding a few more of Voyages and Travels. Swift says, I think of his Stella, that "she has enlarged her mind by reading books of Voyages and Travels," and I am persuaded that they have the effect which he ascribes to them: for the wisest man alive could not possibly comprehend from the force of reflection and meditation, (unassisted by his own experience or information derived from others) that human creatures exist, as different from him in their minds as they are in their appearance, feature, education, manners, and language. And it is not more certain that the contraction or enlargement of the human mind, (supposing its natural powers good and unimpaired) depends on the knowledge with which it is stored, than that the knowledge which strengthens and enlarges it most, is that of mankind.

Viaggi di Pietro della Valle, a Roman Nobleman, written originally in Italian, but translated into French and, I believe, into English too, give an entertaining and curious account of Turkey, part of India, and particularly of Persia. He was admitted to the familiarities and table of *Schah Albas*, the most celebrated monarch of that country.

Chardin gives the most ample and exact account of Persia. The best edition of this work is in 2 vols. 4to. in French.

Banier, a Frenchman in the reign of Louis XIV. went to the Court of the famous Aurengzeb, Monarch of Indostan, whose principal Physician he became, and of whom and his connexions he gives a most curious account, and also of the country of Cash-

mire on the confines of Persia and India, scarcely visited by any European traveller. His work is in French in 2 vols. 12mo. but become so scarce that it is with difficulty procured.

La Loubere has written *Voyage de Siam*. He was sent on an embassy by Louis XIV. to the King of that country.

Hanway, though dull and a bad writer, gives the best account of the expedition of Khouli-Chan, the Persian Conqueror, into India.

Le Compt's short account of China will be a good substitute for the enormous but valuable work of Du Halde.

Among books of voyages I would recommend *Anson's*, *Dampier's*, and those of *Captain Cook*, for modern discoveries.

For Italy, you may read, if you please, a very incorrect and hasty writer, whose account is one degree better than nothing.

De la Lande 8 vols. 8vo. in French.

Dr. Moore.

Mr. Swinbourn, a gentleman of Yorkshire, has given to the world his journey into Spain, in 1 vol. 4to. He has the advantage of being able to draw, and has enriched his book with valuable etchings from his own drawings: particularly, of the magnificent remains of *Moorish Architecture in Grenada*.

Bishop Burnet's Travels in Switzerland give a good idea of its government.

Stanyan's Grecian History. It goes no farther than the death of Philip, the father of Alexander the Great.

There is a History of Greece from the accession of Alexander of Macedon, to its final subjection to the Roman power by *John Cast D. D.* Archdeacon of Glandelagh. I know nothing of the Archdeacon or his book; but if it is well done, it will supply exactly what is deficient in *Stanyan*.

When you read Italian (after some easy book of familiar prose to begin with, such as a translation of *Gil Blas*) I would recommend the *Opere de Metastasio*, who has, by the force of his genius, given fame and immortality to a sort of Drama in itself contemptible and unnatural.

Ariosto.

Tasso.

Dante: at least parts of his poems, and likewise those of *Petrarch*.

The Histories of *Guicciardini*, *Macchiavelli*, and *Ducila*.

POSTSCRIPT

TO THE PAMPHLET ON COPY RIGHT

THE first prayer of all Authors should be, that the Statute of the 8th of Anne be repealed, and then all parties would stand on the basis of their respective merits and deserts.

END OF NO. III

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10

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Hydr.

XIV *De Ludis privatis ac domesticis Veterum* a J. C. Bulengero

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* * * *The translation of Sir FRANCIS D'INTERVOIS' celebrated work on FRENCH FINANCE, published at Prague in the present year, will appear in the next Number; and should that author favor us with any additional or supplementary observations on the Exposé of 1814, we shall be eager to lay them before our readers*

A
.
SKETCH
.
OF THE VARIOUS PROPOSALS
FOR A
Constitutional Reform
IN THE
REPRESENTATION OF THE PEOPLE,
INTRODUCED INTO THE
PARLIAMENT
OF
GREAT BRITAIN
From 1770 to 1812.

BY GEORGE WILSON MEADLEY, ESQ.
Author of 'Memoirs of WILLIAM PALEY, D.D.' and 'ALGERNON SYDNEY'

NEVER BEFORE PUBLISHED.

1813.

VOL. II. *Pam.* No. IV.

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HOUSE OF LORDS.

Monday, May 14th, 1770.

THE EARL OF CHATHAM, in moving an *Address to the king, to desire he would dissolve the present parliament*, stated, that “instead of depriving a county of its representative,” alluding to the case of Mr. Wilkes, “one or more members ought to be added to the representation of the counties, in order to operate as a balance, against the weight of several corrupt and venal boroughs, which perhaps could not be lopped off entirely, without the hazard of a public convulsion.”

“Purity of Parliament,” said his Lordship, in his answer to an address of thanks from the city of London for the above declaration, June 1st, 1770, “is the corner stone of the Commonwealth; and as one obvious means towards this necessary end, to strengthen and extend the natural relation between the constitution and the elected, I have publicly expressed my earnest wishes for a more full and equal representation, by the addition of one knight of the shire in the county, as a further balance to the mercenary boroughs. I have thrown out this idea with the just diffidence of a private man, when he presumes to suggest any thing new in a high matter. Animated by your approbation, I shall continue humbly to submit it to the public wisdom, as an object to be most deliberately weighed, accurately examined, and maturely digested.”

And again, in a Letter to Earl Temple, April 17th, 1771, he said, “Allow a speculator in a great chair, to add that a plan for a more equal representation, by additional knights of the shire, seems highly seasonable; and to shorten the duration of Parliament not less so.”

¹ Almon's Anecdotes of the Earl of Chatham, 8vo. II. p. 84. and Addresser from the Court of Common Council to the King, 1760-70. 167-8.

HOUSE OF COMMONS.

Thursday, March 21st, 1776.

ALDERMAN WILKES moved, "that leave be given to bring in a bill, for a just and equal representation of the people of England in Parliament;" which being seconded by Alderman Bull, was opposed by Lord North, and lost without a division.

"My idea," said Mr. Wilkes, "in this case, as to the wretched and depopulated towns and boroughs in general, I freely own, is amputation. I say with Horace, *Inutiles ramos amputans, feliciores inserit*.—I will at this time, Sir, only throw out general ideas, that every free agent in this kingdom should in my wish be represented in parliament; that the metropolis which contains in itself a ninth part of the people, and the counties of Middlesex, York, and others, which so greatly abound with inhabitants, should receive an increase in their representation; that the mean and insignificant boroughs, so emphatically styled the rotten part of our constitution, should be lopped off, and the electors in them thrown into the counties: and the rich, populous, trading towns, Birmingham, Manchester, Sheffield, Leeds, and others, be permitted to send deputies to the great council of the nation."¹

"As to the power *de Jure* of the Legislature to disfranchise any boroughs, how originated the right, and why was it granted? Old Sarum and Gatton for instance were populous places, when the right of representation was first given them. They are now desolate and therefore should in every thing return to their former state. A barren mountain or a single farm-house can have no representation in Parliament."²

¹ Wilkes's Speeches 1786 8vo. p. 51-71—Parliamentary Register, 1776 III. 432-442.

² Wilkes to Junius, Sept. 12 1771. Woodfall's Junius, I. *299.

HOUSE OF LORDS.

Friday, June 2nd, 1780.

THE DUKE OF RICHMOND was introducing his bill to restore annual Parliaments, to procure a more equal representation, and to regulate the election of Scotch Peers, when he was prevented from proceeding by the alarming riots in Palace-yard.

By his Grace's bill it was intended to enact and declare, "That every commoner of this realm, excepting infants, persons of insane mind, and criminals incapacitated by law, hath a natural, unalienable, and equal right, to vote in the election of his representative in parliament. That the election of members to serve in the House of Commons ought to be annual. That the manner of electing the Commons in Parliament, and all matters and things respecting the same, be new-modelled according to the present state of the kingdom, and the ancient unalienable rights of the people. That the number of members in the House of Commons being 358, the total number of electors should be divided by that, to give the average number of those having a right to elect one member."

"My sentiments on the subject of parliamentary reform," said his Grace, in a letter to the High Sheriff of Sussex, Jan. 17, 1783, "are formed on the experience of twenty-six years, which, whether in or out of government, has equally convinced me, that the restoration of a genuine House of Commons, by a renovation of the rights of the people, is the only remedy against that system of corruption, which has brought the nation to disgrace and poverty, and threatens it with the loss of liberty."

¹ Parl. Reg. 1780. N. 357-306. Authentic Copy of the Duke of Richmond's Bill — Letter to William Frankland, Esq.

HOUSE OF COMMONS.

Tuesday, May 7th, 1782.

THE HON. WILLIAM PITT moved, “that a committee be appointed to inquire into the state of the representation in Parliament, and to report to the House their observations thereon.” He was seconded by Alderman Sawbridge; but Sir Horace Mann moving the order of the day, it was carried by a majority of twenty—

Ayes 161, Noes 141.

and the original motion was lost.

Mr. Pitt said, “he would not in the present instance, call to their view or endeavour to discuss the question, whether this species of reform or that; whether this suggestion or that was the best; and which would most completely tally and square with the original frame of the constitution;—it was simply his purpose to move for the institution of an inquiry, composed of such men as the House should, in their wisdom, select as the most proper and best qualified for investigating this subject, and making a report to the House of the best means of carrying into execution a moderate and substantial reform in the representation of the people.”¹

¹ Parl. Reg. 1782, VII. 120-141.—Wyvill's Political Papers, I. 442-480.

HOUSE OF COMMONS.

Wednesday, May 7th, 1783.

THE HON. WILLIAM PITT moved, "that the most effectual and practicable measures ought to be taken for the better preventing both bribery and expense in the election of members to serve in parliament."

2. "That whenever it shall be proved before a select committee of the House of Commons, duly appointed to try and determine the merits of any election or return for any place in the kingdom, that the majority of the electors had been guilty of corrupt practices in such election, it will be proper in all such cases, that such place shall from thenceforth be disabled from sending representatives to parliament; and that such electors as shall not (by due course of law) be convicted of any such corrupt practices, shall be enabled to vote at the election of the knights of the shire in which such place shall be situated."

3. "That in order to give further security to the independence of parliament, and to strengthen the community of interest between the people and their representatives, which is essential to the preservation of our excellent constitution on its true principles, it is proper that an addition should be made to that part of the representation which consists of members chosen by the counties and the metropolis."

Mr. Henry Duncombe seconded the motion, but the *order of the day* being moved by Mr. Powys, was carried,

Ayes 293, Noes 143, Majority 144.

Mr. Pitt gave notice to the House that if the above resolutions were carried, he should then move for leave to bring in a bill to provide for the disabling of such places from sending members to parliament, in which the majority of electors shall have been proved guilty of corrupt practices; and a bill for the better securing the independence of parliament.

HOUSE OF COMMONS.

Wednesday, June 16th, 1784.

ALDERMAN SAWBRIDGE moved, "that a committee be appointed to inquire into the present state of the representation of the Commons of Great Britain in parliament." He was seconded by Alderman Newnham; but Lord Mulgrave moving the previous question, it was carried,

Ayes 199, Noes 125.—Majority 74.

Mr. Sawbridge went at large into the state of the representation in various parts of the country, and asked "whether such a system as that which at present prevailed could be called a fair, an equitable, or a satisfactory one? His object would consequently be to have all the light which could be thrown upon the subject, collected under the inspection and cognizance of the House, that they might see whether any thing further ought to be done or not, and then what the specific remedy ought to be. His motion bound the House to no species of reform, but merely put the matter in progress, and would serve to convince the people of their sincerity, on a subject where so much expectation had been raised." A similar motion of the Alderman's, on the 12th of March preceding, had been rejected by the former parliament, 141, against 93.

HOUSE OF COMMONS.

Monday, April 18th, 1785..

THE RIGHT HON. WILLIAM PITT moved, "that leave be given to bring in a bill to amend the representation of the people of England in parliament," which being seconded by Mr. Henry Duncombe, the House divided,

Ayes 174, Noes 248.—Majority 74.

"His plan," Mr. Pitt observed, "consisted of two parts: the first was more immediate than the other, but they were both gradual. The first, was calculated to produce an early, if not an immediate, change in the constitution of the boroughs; and the second was intended to establish a rule by which the representation should change with the changes of the country. It was, therefore, his intention to provide in the first instance, that the representation of thirty-six of the most decayed boroughs, which should be disfranchised on their voluntary application to parliament for an adequate consideration, should be distributed among the counties, and that afterwards any which might still remain of a similar description, should have the power of surrendering their franchise, and the right of sending members be transferred to such large and populous towns as should desire it."

¹ Parl. Reg. 1785. XVIII. 42-33.—Wyvill's Pol. Pap. 372—442.

HOUSE OF COMMONS.

Thursday, March 4th, 1790.

THE RIGHT HON. HENRY FLOOD moved, "for leave to bring in a bill to amend the representation of the people in parliament," and was seconded by Mr. Grigby; but Mr. Pitt threatening to move an adjournment, the motion was withdrawn.

"My proposition," said Mr. Flood, "is that one hundred members should be added, and that they should be elected by a numerous and responsible body of electors; the resident householders in every county:—resident, because such persons must be best acquainted with every local circumstance, and can attend at the place of election with the least inconvenience or expense to themselves or the candidate; and householders, because, being masters or fathers of families, they must be sufficiently responsible to be entitled to franchise. They are the natural guardians of popular liberty in its first stages,—without them it cannot be retained." *

HOUSE OF COMMONS.

Monday, April 30th, 1792.

MR. GREY gave notice of his intention of moving, in the next session of parliament, for a reform in the representation of the people ; when Mr. Pitt declared his decided hostility to the measure, and was supported in it by several members who were usually hostile to his administration.

At a general meeting of the FRIENDS OF THE PEOPLE, associated for the purpose of obtaining a parliamentary reform, April 26th, after approving of and adopting unanimously, an address to the people of Great Britain, on the objects of their association, it was resolved,

“ That a motion be made in the House of Commons, at an early period in the next session of Parliament, for introducing a parliamentary reform.

“ That Charles Grey, Esq. be requested to make, and the Hon. Thomas Erskine to second, the above motion.

Signed by the unanimous order of the meeting,

W. H. LAMBTON, Chairman.”

¹ Parl. Reg. 1792. XXXII. 449-498.—Proceedings of the Friends of the People, 19, 20.

HOUSE OF COMMONS.

Monday, May 6th, 1793.

MR. GREY presented a petition from certain persons, members of the SOCIETY OF FRIENDS OF THE PEOPLE, stating with great propriety and distinctness the defects which at present exist in the representation of the people in parliament, which they declared themselves ready to prove at the bar ; urging the necessity and importance of applying an immediate remedy ; and praying the House to take the same into their serious consideration. Mr. Grey declined bringing forward any specific plan of reform, and moved “for the appointment of a committee to take the petition into consideration, and report such mode of remedy as shall appear to them proper.” The Hon. Thomas Erskine seconded the motion, and, after two days’ debate, the House divided,

Ayes 41, Noes 282.—Majority 241.

The petitioners, in concluding, thus forcibly recapitulated the objects of their prayer.

“That your honorable House will be pleased to take such measures, as to your wisdom may seem meet, to remove the evils arising from the unequal manner in which the different parts of the kingdom are admitted to participate in the representation.

“To correct the partial distribution of the elective franchise, which commits the choice of representatives to select bodies of men of such limited numbers as renders them an easy prey to the artful, or a ready purchase to the wealthy.

“To regulate the right of voting upon an uniform and equitable principle.

“And finally to shorten the duration of parliaments, and, by removing the causes of that confusion, litigation and expense, with which they are at this day conducted, to render frequent and new elections, what our ancestors at the Revolution asserted them to be, the means of a happy union and good agreement between the king and people.”

HOUSE OF COMMONS.

Friday, May 26th, 1797.

MR. GRAY moved for "leave to bring in a bill to reform the representation of the people in the House of Commons," and was seconded by the Hon. Thomas Erskine. On a division there appeared,

Ayes 93, Noes 258.—Majority 165.

MR. GRAY proposed that, "Instead of ninety-two county members, as at present, there should be 113: instead of two for the county of York, for instance, two for each riding; and so in other counties, where the representation is not proportionate to the extent of soil and population that each county or riding should be divided into grand divisions, each of which should return one representative, and that the right of election should be extended to copyholders, and to leaseholders for a certain number of years. That the other members should be returned by householders; that great towns should require a greater number of electors to one representative; that the country should be divided into districts, and no person permitted to vote for more than one member; that the poll should be taken through the whole kingdom in one day; and that the duration of parliament should be limited to three years."

HOUSE OF COMMONS.

Friday, April 25th, 1800.

MR. GREY moved, "that it be an instruction to the committee appointed to consider of his majesty's most gracious message respecting the union between Great Britain and Ireland, to take into their consideration the most effectual means of providing for, and securing the independence of parliament." Mr. Tierney seconded the motion, which was rejected on a division,

Ayes 34, Noes 176.—Majority 142.

After objecting to the increased influence of the crown which might arise from the introduction of 100 Irish members, in the present state of the representation, Mr. Grey said, "Although I do not agree that it is necessary for those, who disapprove of any specific plan, to propose a substitute, I am ready to state what I consider calculated to remove some part of the inconveniencies which we apprehend. I would suggest that forty of the most decayed boroughs should be struck off, which would leave a vacancy of eighty members. I should then propose that the ratio, on which Ireland is to have 100 representatives, should be preserved: and the proportion to the remainder 478 would give us 85 members for that country. The county elections would give 69 members, and 16 remain to be chosen by a popular election, by the principal towns. By this motion it is only intended to keep parliament in its present state, to prevent it from becoming worse."

HOUSE OF COMMONS.

Thursday, June 15th, 1809.

SIR FRANCIS BURDETT moved, "That this House will, early in the next session of parliament, take into consideration the necessity of a reform in the representation." Mr. Madocks seconded the motion, and the House divided,

Ayes 15, Noes 74.—Majority 59.

"My plan," said Sir Francis Burdett, "consists in a very few, and very simple regulations, and as the disease we labor under has been caused by the disunion of property and political right, which reason and the constitution say should never be separated, the remedy which I shall propose will consist in reuniting them again. For this purpose I shall propose,

"That the freeholders, householders, and others, subject to direct taxation, in support of the poor, the church, and the state, be required to elect members to serve in parliament.

"That each county be subdivided according to the taxed male population, and each subdivision required to elect one representative.

"That the votes be taken in each parish by the parish officers; and all elections finished in one and the same day.

"That the parish officers make the returns to the sheriff's court to be held for that purpose at stated periods; and

"That parliaments be brought back to a constitutional duration."

HOUSE OF COMMONS.

Monday, May 21st, 1810.

THE HON. THOMAS BRAND moved, "That a committee be appointed to inquire into the state of the representation of the people in parliament, and of the most efficacious means of rendering it more complete, and to report the same with their observations thereupon to the House." He was supported by Mr. Noel, and, on a division, there were,

Ayes 115, Noes 234.—Majority 119.

Mr. Brand stated, "that he did not mean to touch the right of voting for county members, except by letting in copyholders, and assimilating the mode of voting in Scotland to the practice of this country; but that, whilst he left the right of voting so far untouched, he should propose to disfranchise the boroughs, in which the members were returned upon the nomination of individuals, and, as the numbers of the House would be diminished in that proportion, to transfer the right of returning such members to populous towns, and to apply any surplus to the more populous counties; that he would recommend the duration of parliament to be made triennial, together with a concurrent arrangement for collecting the votes by districts and parishes. And that, with a view to the independence of parliament, persons holding offices without responsibility should not be suffered to have seats in that House."

HOUSE OF COMMONS.

Friday, May 8th, 1812.

THE HON. THOMAS BRAND moved, “for leave to bring in a bill to repeal the act 31 George II. c. 14. and to entitle copyholders to vote for knights of the shire.” The Marquis of Tavistock seconded the motion, and the House divided,

Ayes 88, Noes 215.—Majority 127.

Mr. Brand said, “he would also propose to get rid of nomination, and to throw the representation of the close boroughs into an enlarged representation of the more populous counties. One part, therefore, of the plan which he had in view, was to bring in a bill for the abolition of those boroughs, and the consequent appropriation of a more extensive suffrage to the more populous counties, from whence an equalization of members to the different parts of the empire would arise. He did not wish to make any innovation, but rather to restore to the constitution what the great innovator Time had taken from it.”¹

¹ Votes of the House of Commons, 1812, No. 80,—Morning Chronicle, May 6. 1812.—Cobbett's Parl Deb. XXIII. p. 105.

OBSERVATIONS

ON

MR. VANSITTART'S

Plan of Finance;



BY F. SILVER.'

ORIGINAL.

1813.

OBSERVATIONS, &c.

HAVING proved beyond contradiction, in a late Essay on the Public Revenue, the resources of the Country to be exceeding great, and having shown how its revenue may be considerably augmented, without the imposition of additional burthens, I cannot withhold my sentiments on Mr. Vansittart's plan of Finance.'

Mr. Vansittart, in the introductory part of his plan, has stated, "the depressed state of the public credit and of the revenue, at the close of the American war, impressed on the vigorous mind of Mr. Pitt the necessity of adopting a more provident system, of which he laid the basis in the Sinking Fund Acts of 1786 and 1792."

"In the year 1797, Mr. Pitt was induced, from the increased expenses of the Revolutionary War, to aim at the most efficacious system, that of equalizing the income with the expenditure of the country."

In a further part he says, "When the Sinking Fund was proposed by Mr. Pitt in 1786, the National Debt amounted to £240,000,000., and by the original Sinking Fund Act of 1786, its accumulation at compound interest was limited to four millions."

See this *Plan* in No. 1. of this work. 428

The foregoing extracts from the printed proposal, appear to me the basis of Mr. Vansittart's proposal for breaking in upon the Sinking Fund.. With the basis it is not my intention to quarrel, but I shall prove his theory most dangerous in practice, and condemned by the very authority he quotes.

The printed outline of Mr. V.'s plan is very contradictory in its reasoning; for in one part, Mr. Vansittart says, "equalizing the income of the Country with its expenditure is the only safe system; he then averages and states the expenditure of Great Britain for the three last years to exceed its receipts by £14,500,000 per annum, and to raise which by new taxes would be considered a heavy burden; to avoid that necessity for four years," (or in other words, to get rid of the difficult task of equalizing our receipts and expenditure) "he proposes to break in upon the sinking fund," at the end of which period, it appears by his Table R. 2, our resources (for the sinking fund is a part of our resources) will be 7 millions per annum less by the effect of his system than it would be by the continuation of the old.

He temporizes with the health of the country, while he tells us amputation is the only safe system; and perhaps at the end of four years, amputation, which is safe at this time, may then be death to the constitution.

We know, by experience, how many persons lose their lives from anxious wishes to save a limb. I believe he is wholly indebted for the majority with which he carried his plan, to the outcry of no taxes for four years; but I could have wished the Honorable Gentleman had calculated and set forth our probable situation in the year 1817. Had he so done, I believe he would never have ventured to try his speculative system, to the danger of undermining the wise and approved plans of Mr. Pitt.

Before the subject is entered upon farther, it may be proper to notice Mr. Vansittart's statement of an important fact, that in the year 1786, when the country was at peace, the National Debt amounted to £240,000,000.; and by the Sinking Fund Act of that year, its accumulation was limited to £4,600,000. per ann., or in other words, when about one hundred millions of the debt was redeemed, the reduction of the residue of the debt was to be limited. For what purpose does Mr. Vansittart state this fact? He will not surely say that the act of 1786 is an authority for his curtailing the Sinking Fund, because the amount of the debt redeemed in proportion to the national debt at this time, is as 4 to 15, and by the limitation of the Act of 1786 it ought to be as 5 to 12;—neither will he assert that the Country being at war, is a better opportunity for reducing the Sinking Fund, than in a time of peace; these cannot be his reasons; then why has he quoted the Sinking Fund of 1786 as an authority for his Proposal?

Having proved by the Act of 1786 that the Sinking Fund should amount almost to as much again as it is at present, before Mr. Vansittart could cite it as an authority, I now beg leave to call your attention to the recorded prophetic opinion of Mr. Pitt upon so important a subject.

In the year 1786, when Mr. Pitt brought forward his Plan for the reduction of the national debt, *the annual receipts of the Country ending the 5th of Jan. 1786 exceeded the annual expenditure by £900,000 per annum*; it was also a period of peace, when the Committee of the House of Commons reported the revenues of the country to be in a flourishing condition, and to which they added satisfactory reasons for supposing the then flourishing condition of the revenue would continue.

It is reported, when Mr. Pitt brought forward his motion, that one million be annually granted to certain

Commissioners towards discharging the public debt, he expressed a hope that the Plan he then proposed to be adopted might be the mean, and he did flatter himself would inscribe his name on that firm column then about to be raised to national faith and national prosperity. Before he concluded his speech on that memorable occasion, impressed with an idea that the time might come, when a minister of public affairs would attempt to break in upon that System, which he had then the honor to bring forward, he added, "care must be taken that this fund be not *broken in upon*: this has hitherto been the BANE of this Country, for if the original Sinking Fund had been properly preserved, it is easy to be proved that the national debt at this moment would not have been burdensome: this has hitherto been in vain endeavoured to be prevented: the minister has uniformly, when it suited his CONVENIENCE, gotten hold of this Sum, which ought to have been regarded as most SACRED."

Here I cannot but mention a singular occurrence. At this very period, when Mr. Pitt's Statue is erected, and his name inscribed for raising that firm column to National Faith and National Prosperity; the Minister has attempted to break in upon that System, which Mr. Pitt held to be most sacred, and forewarned the House of Commons, if broken in upon, would be the BANE of the Country.

In the year 1792, peace continuing, the amount of the receipts considerably exceeded the amount of the expenditure: six years had elapsed since Mr. Pitt brought forward his first plan for the reduction of the National Debt, during which period, he had opportunity to digest and improve all he had formerly proposed; and such assistance had he received from the various calculations and reasonings, and the repeated discussions which had taken place in the House of Commons on questions of Finance, that on the memor-

able 17th of February in that year, when he moved the cessation of certain taxes, he said, as to the operation of the Sinking Fund, "his mind was relieved from all doubt on the subject, by the Act of 1786; the sum of four millions was originally fixed on as the limit for the Sinking Fund, but the interest of the Capital, which it thenceforth may redeem, is to be left open for the disposition of the parliament: it was not then in contemplation to issue more annually from the *surplus revenue* than one million; consequently, the fund would not rise to four millions till a proportion of debt was paid off, the Interest of which would amount to three millions. But as he proposed additional sums beyond the original million to be annually issued from the revenue, and applied to the aid of the Sinking Fund, the consequence would be, if that sum were still to be limited to four millions, it would reach that amount, before as great a portion of the debt is reduced as was originally in contemplation. In order to avoid which consequence, he should propose, that whatever may be the additional annual sums applied to the reduction of the debt, the fund should not cease to accumulate till the interest of the capital discharged, together with the annual million only, and exclusive of any additional sums, *amount to four millions.*

"But he confessed, notwithstanding the then prosperous situation of the country, the sinking fund ought not to stop there, although there never was a time in the history of this Country, when, from the situation of Europe, we might more reasonably expect fifteen years of peace, than we may at the present moment. What we did in 1786 was, perhaps as much as could be attempted under the circumstances of that time. At present we ought not to confine our views to the operation of the sinking fund, compared with the debt now existing. If our system stops

there, the country will remain exposed to the possibility of being again involved in those embarrassments, which we have, in our own time, severely experienced, and which apparently brought us almost to the verge of bankruptcy and ruin."

I have quoted Mr. Pitt's opinions as an authority against Mr. Vansittart's plan, for if Mr. Pitt considered, when the Debt redeemed should even be in proportion to the remainder of the debt as 5 to 12, we ought not to confine its operation, still less would Mr. Pitt have recommended it to be broken in upon when its proportion is only as 4 to 15.

In the year 1798, the national debt having greatly increased (it was then about half its present amount) the mind of Mr. Pitt was led to consider the best means of increasing the sinking Fund in order to raise the funds from the state of depreciation¹ at which they then were; by enabling the sinking fund to increase and keep pace with the debt, and preventing the possibility of any future loans causing any material fall in the price of the Stocks. Mr. Pitt had seen the price of the three per cents at £90, and knew by experience what little progress was made in the reduction of the national debt *in a time of peace*. The redemption and sale of the Land Tax appeared to him most beneficial in its results, as it would increase the capital of the sinking fund, raise the then advantageous price of the Funds, and redeem a considerable portion of the debt, and thereby give security to the stockholder by its powerful operation that no material depreciation could ever take place in the price of the public funds.

I assert, without fear of contradiction, that the fall in the price of the funds about two years since was occasioned by a considerable addition being made from year to year to the national debt by the funding of Exchequer Bills and no addition being made to the Sinking fund in proportion to the

¹ The three per cents were very near as low as £17. per cent.

increase of the debt, it being Mr. Pitt's anxious wish that the increase of the sinking fund should always be in proportion and keep pace with the increase of the debt. It is but justice to Mr. Vansittart to acknowledge, that he has provided for the redemption of Exchequer Bill Loans.

The system established by Mr. Pitt has been tried. It no longer rests upon theory or reasoning: it is recommended to us by the surest test—Experience: it has removed the apprehensions of the despondent by raising and maintaining the three per cents at their reputed value, it has given the stockholder security and relief by taking off the Market from time to time such a portion of the funds as the vast capital and increase of the national debt naturally brought for sale; and its operative utility was not confined merely to the relief of the Stock market, but it made money easy to be obtained; and thereby the Commercial part of the Country was assisted and encouraged in their mercantile labors.

From the magnitude of the Sinking fund, and its effect upon the Market, the Minister has been enabled to raise the necessary Loans at a very low rate of Interest; and taxes have been consequently the less; and should the war continue for some years, the Commissioners might have possibly become, from the continued operation of Mr. Pitt's system, the Contractors for the Loan, and Exchequer Bills return to their original source of being an anticipation of the receipts of the revenue, and not a debt to be got rid of by funding.

There are objections to Mr. Vansittart's Plan, which have much weight, particularly our probable situation in the year 1817, when additional taxes must be imposed to defray the interest of new loans, should the war continue; and in that event we shall have added to our national debt £112,000,000 Sterling, and the Sinking fund under his system will be £7,000,000 per annum less than under the present one; consequently, the average excess of our ex-

penditure will then amount to 21 Millions per annum. This is not pursuing the safe system of equalizing the receipts with the expenditure of the Country, because we shall be more than 21 millions per annum short of so desirable an object.

Should the war continue, there is another objection to the interruption of the sinking fund, of great importance. In seven years, we must presume upwards of 60 Millions of Stock will be brought to market, and purchased by individuals, which under Mr. Pitt's system would have been redeemed by the Commissioners : the abundant supply of Stock arising from loans, with a demand short of 60 millions will inevitably produce a serious, if not an alarming depreciation in the price of the public funds.

I believe that the Honorable gentleman has been impressed with the strong probability of a general peace ; but should the war be procrastinated, the evil effects of his system will be felt by all classes of society throughout the kingdom ; and I believe no man will feel greater regret, than the Honorable gentleman himself, that he had, by temporizing with the revenue and public credit of the nation, undermined the 17 years labor of Mr. Pitt. I hope the Honorable gentleman will feel the force of this statement. Facts are stubborn things ; and it will give me the greatest satisfaction to find him not so prejudiced to his system, as to resist the force of Truth.

Highbury Place.

* In seven years £200,000,000 sterling will be added to the debt.

A
•
LETTER

• TO THE

Officers of the Army;

Explaining the Cause of the Plan

FOR AN OFFICERS' BENEFIT FUND

•
BEING FOR THE PRESENT ABANDONED.



BY

DAVID ROBERTS, ESQ.

**Lt. Colonel of the 1st Regt. and Lieut Major of Brigade in the
Seventh District**



WITH SUPPLMENTARY OBSERVATIONS ON THE SAME

BY JNO. PHILIPPART, ESQ

Printed exclusively in this work.



1813.

A LETTER, &c.

GENTLEMEN,

As I consider it an honorable and indispensable obligation, which I owe both to you and my own character, to explain my motives for having apparently abandoned a plan, which I had the honor to make public in two different Letters, one in 1810, and the other in 1811, addressed to the Officers of the Army, I again resume my pen, to introduce the above subject to your attention.

It is now nearly two years since the idea suggested itself to my mind, that great and beneficial effects might be secured to the Officers of the Army, their Wives and Children, by the arrangement of a system, supported by voluntary subscriptions ; and I earnestly set myself to work at framing, organizing, and endeavouring to perfect a plan, which struck me as of very infinite importance to my Brother Officers, their Wives and Children. I was fully aware, that certain ranks of Officers being so parsimoniously remunerated, it would be requiring a greater sacrifice than with reason could be expected, by calling on them for a voluntary contribution to any considerable amount. However on examining the annual casualties in the army, the progressive increase of widows, and other adventitious circumstances, I found my plan might safely be established on a system of contribution extremely small ; so much so, that not even the lowest ranks could feel inconvenience from it. Moreover, my wish was to manage the scheme in such a manner that the burthen

should fall on those most able to bear it ; and that it might open a door for the affluent to contribute to the comfort and happiness of those who might require aid, and that in a manner congenial to the feelings of both parties. In short, it appeared to me, that the most happy effects would result to the interests, comforts, and respectability of my brother Officers, at a time of life when they most are in need of them, or when otherwise disabled from service. I therefore ardently proceeded in my plan, and was stimulated and encouraged by the numerous letters I received from Officers and private individuals, and more particularly from the answers I had the honor to receive from the General Officers, to whom I had sent my pamphlet. Many immediately entered into my views, and desired me to consider them as subscribers. His Royal Highness the Duke of Kent, in the most liberal, but delicate manner, did me the honor to express his entire approval of the plan, and also Lieut.-General Crawford, Colonel Taylor, &c. &c. &c. Thus encouraged, I humbly solicited his Excellency Sir David Dundas, the Commander-in-Chief, for the honor of his sanction, but was informed, that although his Excellency highly approved of any measure that tended to the advantage of the Officers of the Army, he could not give my plan his sanction, as he did not believe the theory could be reduced to practice. Obstructed, but not disheartened, I ceased further proceedings, and waited for an opportunity which might give a more favorable turn to the prosecution of my object. At length that time arrived: His Royal Highness the Duke of York resumed the command of the Army ; and though I felt every sentiment of respect for the late Commander-in Chief, I flattered myself that, from every circumstance, the exalted and noble personage now at the head of the Army would readily encourage and promote any plan which would prove of advantage

to the Officers of the Army, their Wives and Children : and I was supported in this opinion by those of a General Officer, who, besides being honored with the friendship of His Royal Highness the Duke of York, is universally admired and esteemed. This worthy gentleman, than whom no one is better acquainted with the generous, liberal, and humane sentiments that are so honorable to the character of the Duke of York, urged me to submit my proposal to the consideration of His Royal Highness. I did so, and was honored and flattered by an avowal, "that His Royal Highness conceived that the greatest benefit might result from the adoption of such an arrangement for the provision of the widows of Officers of the Army;" and further advised me to get the report of a few General Officers on the subject. And in a communication from Colonel M'Mahon, I was assured that His Royal Highness the Prince felt every wish to promote the undertaking, but declined any interference, until it had been matured by the opinions of some General Officers.

With redoubled eagerness I now proceeded with my plan ; and I have to express the great pleasure and satisfaction I experienced from the voluntary and disinterested offers of John Philippart, Esq. jun. a gentleman particularly calculated, from his general knowledge, and also very great information in figures, to render me substantial aid. Thus reinforced, we made out a general plan, and obtained the gratuitous assistance of many of the most able accompants in London, amongst whom I have to mention William Morgan, Esq. His reputation as an Actuary cannot be increased by any tribute of applause from me ; but his most liberal, kind, able, and ready support, has indelibly established his character in my mind as a gentleman of the most benevolent and generous disposition ; and I beg thus publicly to return him my sincere acknowledgments of gratitude and thanks.

Having, by the aid of my friend, Mr. Philippart, completed my plan, I had the honor, in obedience to the advice of his Royal Highness the Commander-in-Chief, to submit it to several general officers, and I had laid it before his Royal Highness the Duke of Kent, who condescended to make himself perfectly informed of every particular respecting it, and most graciously offered, that should his royal brother be disposed to refer the consideration of it to a committee of officers, and should consider him a fit person to preside at it, he would be ready to give the closest attendance to the business until it should be brought to a termination. I had also the honor to submit the plan to his Royal Highness the Duke of Cambridge, who graciously was pleased to express the same anxiety as his royal brother had done for its establishment and success.

The approbation is universally received from general officers, and from some Colonels of militia regiments, who expressed a wish that the militia officers should be included, generously hinting, that much benefit might result from that measure. Many private gentlemen joined in the approval of my plan, and innumerable have been the letters I have received from my brother officers, to the like effect, and expressive of their anxiety to become subscribers.

Finding myself thus highly encouraged and supported, I at length had the honor to submit my plan for the inspection of his Royal Highness the Commander-in-Chief, together with the opinions of many generals, and other officers and colonels of militia. In the course of a few days, I was honored with an answer, which informed me, "That his Royal Highness, having now had all the papers on the subject under his deliberation, did not feel, upon a full view of the subject, that he could be justified in giving his sanction to a measure of so extensive a nature, without the consent and approval of his Majesty's Government." I imme-

diately forwarded my plan, with the calculations, opinions, and other papers connected with the undertaking, to Mr. Perceval ; and, after a long period, I received the honor of his sentiments, which, I lament to add, were hostile to my undertaking. My anxiety to have established a plan so important to Officers, urged me to endeavour, by repeated explanations, to counteract the impression which this Minister had received of my plan. I informed him, that a benefit fund existed at Madras, and one at Bengal, both requiring subscriptions six times the amount of mine : that a plan existed in the navy on a minor scale ; that the establishment would be an individual and voluntary concern ; and that, it being confined to officers alone, would admit of higher pensions than could be obtained by any other disposal of their money, and which arose from the casualties in the army ; that I did not desire the plan should appear to the army as a measure of Government or recommended by them to the officers, but that his approbation was thought necessary by the Commander-in-Chief, previous to his Royal Highness, sanctioning the same as an individual and voluntary undertaking. My efforts were, however, unsuccessful, and his Royal Highness the Commander-in-Chief could not depart from the opinion before mentioned.

I felt, with the most poignant reluctance, I was obliged to once more withdraw from the pursuit of what I had so ardently expected would have terminated advantageously to the interest of the officers of the army ; and, in this sanguine expectation, I was confirmed by the opinions already mentioned, and particularly by those of Mr. Morgan, who, from his profound knowledge in subjects of this nature, was most competent to judge of its effects, and who has most decidedly pronounced my plan equal to fulfil its object.

In concluding this letter, gentlemen, I must observe, that I have made every exertion in my power, not only to com-

plete the plan, but to carry it into practice, distinct from any personal motive of self-interest, as expressed in a letter I had the honor to address to Lieut.-Col. Torrens, in July last. I should have felt ample gratification in being hourly witness to the happiness it would have diffused to my brother officers, their widows and children; and I continue to believe, that had the plan been sanctioned, the pecuniary difficulties which are now, and ever must be, felt by veterans, who have exhausted their health, strength and spirits, in the cause of their country, and the still more afflicting distresses of the relatives of those brave men who have fallen in the service, would vanish. And, gentlemen, I must ever lament, that the policy of the respectable gentleman at the head of the Government should have obstructed a plan replete with much general good; but I still look forward to a future period, when I may have the pleasure of carrying it into execution.

I have the honor to be, &c.

D. ROBERTS,
Lt.-Colonel, 51st Regiment.

SUPPLEMENTARY OBSERVATIONS

ON

LIEUT. COLONEL DAVID ROBERTS'

PLAN

FOR AN OFFICERS' BENEFIT FUND.

BY JOHN PHILIPPART, ESQ.

AUTHOR OF "REMARKS ON MILITARY SUBJECTS," "OBSERVATIONS ON THE MILITARY SYSTEMS OF THE BRITISH EMPIRE," &c. &c.

I SHALL not subject myself to the charge of partiality from observing, that every officer or person connected with the honorable members of the military profession, must feel grateful to my friend LIEUT. COLONEL ROBERTS, for his patriotic exertions, to carry into effect a plan replete with innumerable benefits. The acknowledged approbation it experienced from officers of high rank and distinction, from individuals even, who are engaged in the business of assurances, and from every person who examined into its nature and objects, were circumstances which flattered Lieut. Colonel Roberts with great hopes of success—hopes, however, not arising from any idea or wish for personal emolument, but from a strong desire to advance the comforts of his brother officers, their widows, and children. That my friend's exertions were alone

guided by these wishes will appear from a letter¹ I shall subjoin, which was written at the time he was preparing, in obedience to the commands of his Royal Highness the Duke of York, to request the opinions of some General Officers on his plan, and which is fully expressive of his feelings on that delicate subject. From this letter it will appear that if Lieut. Colonel Roberts' plan had received the sanction of Mr. Perceval, his only wish was, that some well qualified person should be appointed to superintend the undertaking; and that he would have felt amply satisfied in the self-gratification of having been instrumental to the happiness of thousands.

Neither trouble nor expense were spared by Lieut. Colonel Roberts to effect his design. He obtained leave of absence to consult with the most eminent accountants, and from all received highly favorable and flattering opinions. Mr. Morgan² liberally offered his valuable services on the occasion, examined into all the calculations that were formed as a groundwork to proceed upon, the prospects which might reasonably be held forth to the officers of the army, and gave the most favorable opinions thereon.

The fund was proposed to be established in a manner the most grateful which could be introduced to the feelings of all—it formed a medium for the affluent and benevolent to administer comforts, and preserve the respectability of officers, their widows, and children. From being

¹ Although my friend has thought proper in this letter to flatter my humble services, I cannot refrain from publishing the same, as it fully explains his motives for the undertaking. Vide Appendix I.

² The interest with which this very respectable gentleman embarked in the views of Lieut. Colonel Roberts, no language can sufficiently commend.

established on these grounds, it gave the subscribers an honorable claim to the benefits of the fund when in need of them. It would moreover have been a very powerful inducement for officers 'to continue in the service, a sure support to veterans, a comfortable addition to the government pension for officers' widows, and would have presented the means for having educated their children, as a pension was allowed therefrom for each child till sixteen years of age.

It must appear to every rational observer that this undertaking would have afforded a most honorable and most magnanimous example, exhibited by those who merit ~~every thing~~ from their country, that rather than augment the burthen necessarily imposed on the state, they would nobly have taxed their small incomes to obtain a competency when their decline of life, or disabled condition, might render ~~their~~ services no longer acceptable.

Inconvenience to any great degree could not be experienced from the subscription required—it was to be voluntary, and of the most trifling amount¹—so much so that I feel convinced every officer would have subscribed to the measure. A few years since, a benefit fund was established in Hanover, under the sanction of His Royal Highness the Duke of Cambridge, and I have the highest authority to support my assertion, that its advantages were universally felt and acknowledged. There is one at this moment in the Madras Establishment, and one also in that of Bengal, both patronized by the Honorable East India Company, both requiring much heavier subscriptions² than Lieut.

¹ One penny per diem for Ensigns, and the other ranks in proportion to their pay. The Colonel four pence per diem.

² A Prospectus of the *Madras Military Fund* is annexed. Appendix II.

Colonel Roberts' plan, and a considerable donation from each individual on becoming a subscriber ; nevertheless, the certain benefits which result from measures of this kind are so generally admitted, that almost every officer in the India service is a member thereof.

This plan would have bestowed on the disabled officer honorable competency, and the diseases or infirmities of his body would have, in a great degree, been relieved by the satisfaction of his mind. No longer would the widow of an officer have sunk into obscurity, or dragged out a miserable existence on a scanty income, degraded and wretched—No longer would the children of officers, whose fathers have fallen in their country's cause, be reared up, if boys, by adventitious charity to servile employments,—if girls, made mantua-makers, or perhaps from poverty, become victims to the infamy of man, cast out from all virtuous society, and finish a wretched career in misery, poverty, and woe. The husbands, the fathers, amongst the brave protectors of this island, sacrifices to the ruthless chance of war, sink into eternity without the soothing consolation, that their hapless widows, and more hapless children, will have a provision equal to their support. Ideas of this gloomy nature, hasten the dissolution of many gallant veterans when on the bed of sickness, and constantly corrode the heart of the married officer who is dependent on his pay. These ideas had Lieut. Colonel Roberts' plan been adopted, would have been removed for the consolatory reflection, that the due respect of esteem and regard must always be provided for. Thus would hope have been administered to the married officer, the pangs of separation and death lessened, the gloomy breasts of those officers cheered, who, as they advance in years, foresee that their confined circumstances will ever preclude the

chance of comfortable retirement, firmly endeared them to their profession, and have been a powerful stimulus to a punctual performance of every duty.

Such are the advantages of the proposed plan for an Officers' Benefit Fund, advantages whereon volumes might be written, and which would have rendered the military profession as independent as it justly should be. It was for the dear relicts of our gallant officers, and for such of the survivors, as return to their native land to seek a comfortable, a respectable asylum, that this plan was projected—through the medium of which, wealthy individuals might assist in procuring for those sufferers, for those patriots of our own soil, for their widows and children, that consolation and support which they have an honorable title to demand from our gratitude, from even our humanity.

APPENDIX I.

Bristol, 15th August, 1811.

My Dear Sir,

“ACCEPT my best thanks for the different papers I have this day received—indeed I can hardly express how much I feel obliged to you for the great trouble you must have taken, and am flattered to find there must be a certain sympathy of sentiment, as it evidently appears a voluntary, and as far as private advantage, a generous desire on your part, to give an unin-

interested aid to promote what I am satisfied will tend to such general advantage to my Brother Officers, their wives and children. You seem to give me more credit than I really deserve respecting the origin of the plan, but, you shall form your judgment when I have stated in what manner I first had any idea of establishing it.

"In 1810, I was struck with a plan as described by Mr Redhead York in the account of his travels through France, which seems to have been a sort of Pension, in which the individual, by a trifling subscription, would if he demanded it, at a certain age, enjoy a small but competent annual stipend, with the advantage of two decently furnished rooms, a small garden, and a public library. The idea at once possessed me that something of similar advantage might be projected for the Officers of the army. I must confess I encouraged and cherished this idea, and it took complete possession of my mind, by no means aware of the difficulties I had to surmount. I began by digesting a kind of plan, I laboured night and day to bring my idea into shape, at length I fancied I had so far formed it, that I was warranted in soliciting the patronage and sanction of the Commander in Chief (Sir David Dundas) and did myself the honor to address a letter to His Excellency on the subject, and also to His Royal Highness The Prince of Wales, the Royal Military Dukes of York, Kent, Cambridge, and Cumberland, and to many General Officers, inclosing at the same time a prospectus of my intended project, and in my anxiety to promote what I then, and ever shall consider, an object of the greatest benefit to my Brother Officers, I also published the Prospectus in many of the newspapers. Hitherto I had met

"I cannot well here mention that I am much obliged to Major Roberts. I had the honor of a visit from His Royal Highness the Duke of Kent on the 20th of September 1811 by appointment, in order that His Royal Highness might investigate the arrangements made for the plan, the calculation on which it was framed, and the papers connected with it. His Royal Highness in a most gracious and flattering manner minutely examined the whole, and stated his very anxious hope for its success, and the great pleasure it would afford him if he could in any manner aid its execution. His Royal Highness felt confident "it would amply compensate to veteran, and improve the situation of the widows and orphans of Officers, who fell prematurely in defence of their King and Country." J. P.

with every possible encouragement, those of the Royal Dukes who graciously condescended to acknowledge the receipt of my letter and pamphlet, and His Royal Highness The Prince, honored me with their favorable sentiments, but His Excellency The Commander in Chief gave me to understand through his Secretary, Lieutenant Colonel Torrens, that although he very much approved the measure, he had his doubts whether the theory could be reduced to practice, and declined honoring it with his sanction. It was with deep sorrow and regret I was obliged to abandon a plan I considered fraught with such advantages, and particularly as I had received more than two hundred Letters from Officers of all ranks, not only highly approving, but in many instances, the Officers of regiments, General Officers, and individuals informing me they had directed their agents to subscribe to it. Thus defeated in my most anxious wishes, I, though reluctantly, gave up all idea of prosecuting my plan.

"It is now one month since I obtained my excellent and kind General's leave to visit London for the purpose of paying my humble duty of respect to His Royal Highness The Duke of York, who had most happily to the wish of the army, once more taken upon him the command, which I was anxious to do, not only from personal respect, but a deep sense of personal gratitude. In the Art Room, I was kindly greeted by that worthy gentleman, Major General (now Lieut. General) William Henry Chetani, who in the course of conversation, learning my motives for abandoning my plan, urged me in the most earnest manner once more to take it in hand, and assured me of his conviction that I should meet with every possible encouragement to my laudable plan, met from His Royal Highness the Duke of York, and by the kind General's advice I mentioned the circumstance to Lieutenant Colonel Torrens, who desired me by all means to persevere, and to write a letter concerning my plan to him, on which he would take the sentiments of the Duke. I did so, and he next day received in answer so encouraging, that it left no doubt in my mind as to the result of my labors. On this letter His Royal Highness advised me to procure the opinion of a few General Officers upon it. Thus stimulated, I again redoubled my exertions, and soon published my second pamphlet, which has most fortu-

nately been productive of your able and active assistance, nor have I a doubt that before Christmas, we shall have matured and completed a project that has been the most earnest wish of my heart; and I beg you will do me the justice to believe, that upon my honor, I seek no emolument. I look to no advantage nor do I desire any further gratification than that of being witness to the beneficial result to my Brother Officers, their wives and children. Now you are master of all my actions and wishes respecting it, and as your first letter expressed to me, an equal disinterested view, we will, if you please, exert our abilities, nor spare any study, or trouble to promote its establishment.

“ If my head was competent to effect what my heart dictates, we should travel away famously—but as the old adage says, two heads are better than one, we will call upon our own, and as many others as we may want. I am glad you have got the recommendation¹ to Mr Morgan, and the other gentlemen. I put much faith in Mr. Morgan, whose abilities are so eminent. Your estimate of subscriptions, I am inclined to think, will do vastly well; the amount astonishes me; I did not calculate on so great a fund; I hope Mr. F. will give us a favorable opinion: my object is of course to include all we can; you seem to hesitate respecting the amount of donations. I cannot conceive, but almost every man or woman in the married Kingdom will have a proper feeling on this occasion, particularly as most of them are interested by some connexion or other in the army. Besides, our Royal Family, I am convinced, will cheerfully bestow their royal bounty on such an occasion. And as I have no doubt, the generous and noble-minded Prince will place his name at the head, there is every motive for the Generals &c. &c. to follow so worthy and grateful an example.

“ 16th of August. I was obliged to postpone concluding my letter, for other affairs. Did I mention to you my having received a very flattering letter from His Royal Highness the Duke of Kent, on the subject of the plan; it seems written with great delicacy and caution, but very expressive of anxiety for the promotion of

¹ Alluding to a letter received by Mr. Philippart from the Earl of Stanhope, referring him to Mr. Morgan as the most able accountant.

so desirable an object ; and one also from the Duke of Cambridge, equally delicate. You would be astonished at the variety of letters and variety of matter they contain. Only one hostile to my undertaking, and this poor honest man, mistaking the object, says, "it is a damned bad service, nor can you or any man reform it." It comes from the north, and from some disappointed hero, who had overrated his own services ; it was anonymous. I propose, when affairs are in a more forward state, to get leave to visit London, where we will exert all our energies to make a final arrangement. I had no idea the business would have been so difficult ; the very calculations, had not you assisted me, would have bewildered my poor faculties, but now I face it boldly. And when I think, which often happens, of the magnitude of its advantages, I desire no other recompense than what I feel.

" " Give the estimate made out as soon as possible respecting the widows and children. How many a pang will that consideration save my Brother Officers, satisfied they leave their widows and orphans in a degree independent : it was a humane suggestion of one of my anonymous friends ; I am sorry I did not know him, that I might have thanked him ; it was a tribute due to him. I should hope we shall find no difficulty in sending our plan to the armies abroad, but, it is time enough to think of that ; indeed when once it is arranged, I shall readily resign it to whomsoever the higher power may appoint to carry it on, satisfied and amply satisfied for the share I have had in it, to find it established. I dare say some good jobs will be made out of it. with all my heart, my own feelings are ample reward for me.

" I think the Ensign will pay about one penny a day for himself, and eleven shillings a year to his wife, and nine shillings for a child ; that will not hurt him, though he is so scantily paid. As for the Colonels, surely six pounds a year will not break their hearts, though some I fear will not have the heart to give it.

" If the Prince and Royal Dukes will give it their sanction and support, it will add, if possible, to their popularity in the army.

" I think I should make some allowance for your patience, so with much truth, I beg you will believe me,

Faithfully Yours, &c.

D. ROBERTS."

J. PHILIPPART, Esq.

APPENDIX II.

PROSPECTUS

OF THE

MADRAS MILITARY FUND.

THIS Fund, which has been instituted by the Honorable Company's Army at this Presidency, has for its object;

First,—To provide for the Families of Officers left, by their death destitute of an adequate maintenance; and assist Officers unprovided with aid by the Regulations of the Service, or from their own resources, under such circumstances of urgent sickness as renders a voyage to England necessary for the preservation of their lives.

Second, —To afford such further aid as the Fund shall admit in cases of less urgent necessity.

This Institution holds out advantages to Subscribers of so superior a kind, that all the Officers of the Madras Army, with very few exceptions, are become Members of it it is also honored with the patronage of the Honorable Court of Directors, by whom it is likewise liberally endowed.

It is not to be doubted, so soon as it shall be known in this Country, that the Fund has commenced operation *here*, that such Officers belonging to the Madras Establishment, now in England, as have not hitherto had an opportunity of becoming Subscribers to so benevolent a Fund, or were unacquainted with its existence, will readily avail themselves of this occasion for contributing, both by their Donations and Subscriptions, to the furtherance of so philan-

through an Institution, of which, though all who contribute to its maintenance, may not *themselves* experience its benefits, still in the uncertainties of life, it is not impossible, that some so contributing, may, at some future period, by an unexpected change of circumstances, partake of its advantages; at all events, they will possess the gratification of affording, their aid, to a source from whence comfort and support will be derived to the Families of many a valuable Friend and contemporary in the Field.

TABLE of RATES of PAYMENT by Subscribers to the MADRAS MILITARY FUND, in India and in England showing also, the Amount of Sums payable to Claimants on the said Fund, separately and for Children, with the Deductions from the said Amount, respectively to which the said Claimants are liable, is also, a Table showing what Rate of Interest excludes Persons from the Benefits of the said Fund, with some other Particulars, and Allowances to Sick Officers.

DONATIONS

To be paid in the full Summed by every Subscriber towards forming a Capital

		IN INDIA.		IN INDIA.		IN ENGLAND.	
		Unmarried.	Married.	Unmarried.	Married.	Unmarried.	Married.
Cols. or Lieut. Cols.	£	p. l. c.	p. l. c.	p. l. c.	p. l. c.	p. l. c.	p. l. c.
Commandant	11 10	0 10	1 5 0	0 5 10	1 5 0 0		
Lieutenant Colonel	7 10	1 10	2 5 0	5 5 0	100 0 0		
Majors, and Senior Chaplains	5 0	1 5 0	20 0	50 10 10	7 5 0 0		
Captains and Chaplains	3 0	5 0 0	1 5 0	57 21 0	80 0 0		
Captain Lieutenant	2 11	0 0	1 5 0	13 1 10	5 0 0		
Lieutenant	1 0	0 0	0 0	13 5 10	25 0 0		
Ensigns	1 0	0 0	0 0	15 0 0	50 0 0		

A B. Monthly Ten pence to be paid for the unmatured.

MONTHLY SUBSCRIPTION commencing from the 1st of April, 1805

	IN INDIA.	IN ENGL.
Colonels and Lieutenant Colonels Commandant	12 5 0	3 5 20
Lieutenant Colonels	6 6 0	2 1 0
Majors and Senior Chaplains	5 1 0	1 56 60
Captains and Chaplains	3 7 0	1 10 10
Captain Lieutenants	2 25 0	0 26 20
Lieutenants — —	1 38 0	0 20 20
Ensigns — —	1 21 0	0 21 0

The **WIDOWS** and **LEGITIMATE CHILDREN** of **DECEASED OFFICERS**, whose Income may not exceed One-half of the specified Pension, are intitled to the following, **ANNUITIES**, viz. **Widows during their Widowhood**, and not otherwise.

Of a Colonel or Lieutenant Colonel Commandant	Nett Pay	£ 400	0	0
Lieutenant Colonel	-	300	0	0
Major	-	200	0	0
Captain	-	150	0	0
Captain Lieutenant	-	100	0	0
Lieutenant	-	75	0	0
Ensign	-	100	0	0
Every Child under 7 yrs old without distinction of the Rank of the Parent				
From 7 to 10		30	0	0
From 10 to 18 inclusive		40	0	0
And at 18 Years of Age £ 500 to continue till when the Annuity is to cease.				

DEDUCTIONS FROM WIDOWS PENSIONS.

- 1st. The Amount received from Lord Chichester's Fund.
- 2d. All Incomes above half the Amount of the Pension, including the Pensions to Children, with that of the Widow.

WIDOWS possessing the **INCOMES** specified against the Rank of their late respective **HUSBANDS**, are precluded altogether from Claims upon the Fund.

A Colonel's Widow	£ 600	7	6
A Lieutenant Colonel's ditto	500	10	0
A Major's ditto	400	12	6
A Captain's ditto	275	15	0
A Captain Lieutenant's ditto	200	0	0
A Lieutenant's ditto	150	10	0
An Ensign's ditto	100	0	0

OFFICERS IN EUROPE, desirous of subscribing, shall pay the donation of their respective rank, together with the arrears of subscription, from the date of the Establishment of the Fund, 1st April, 1808; calculating at the rate of one day's English pay in a month.

Any **UNMARRIED OFFICER** becoming a Subscriber shall, upon his marriage, pay up the additional donation attaching to Subscribers who are married; that is, he shall pay ten days' allowance of the rank he may then hold.

Any Officer proceeding to Europe on Sick Certificate, in conformity to the existing Regulations of the Government of Fort St.

George, or such as may be hereafter framed (always provided that the declaration of two Surgeons, upon oath, shall certify a voyage to England to be in their judgment absolutely necessary for the recovery of his health) such Officer not being provided with passage money, by the Regulations of the Service shall, on making oath that he does not possess the means of paying for his passage, be entitled to receive from the Military Fund the passage money regulated for his rank, and on a similar declaration, on oath, to the Agents in England, he shall be entitled, on his return to India, to receive the sum regulated for the outward passage.

Any officer so proceeding, to Europe on Sick Certificate, being provided with a passage, either at the public expense, or as above recited, who shall moreover make oath that he does not possess the means of purchasing the requisite clothing and equipment for the voyage, shall be entitled to receive from the Fund a further sum not exceeding 200 pagodas, but not to any further sum on account of equipment on his return to India.

Officers who may proceed to England on Sick Certificate, *after having served four years in India*, and who shall make oath, that they do not possess property which will produce an income, including their pay, equal to a Subaltern, to £110, or if a Captain Lieutenant, to £160, shall be allowed such sum annually, as with their pay and other income will make up £100 to a Captain Lieutenant, or £110 to a Subaltern during the period of furlough, as regulated by the Court of Directors.

Advances from the Fund cannot be granted to a subscriber coming home on furlough, while in the receipt of full allowances; but he will be entitled to receive from the Fund, during the full period of such allowance, the full establishment.

Madras, 1811.

Madras Military Fund Office,
No 10, Albion-Street, Blackfins,
and East India House

F W RUNDALL,

Secretary

1811

CASE

1811

THE PUBLIC LIBRARIES

BOOKSELLERS.

1813

THE CASE
BETWEEN
THE PUBLIC LIBRARIES
AND
THE BOOKSELLERS.

IN entering upon the consideration of this very important question, "affecting so great a quantity of interest," it is essentially necessary to revert to the state of literary property previous to the year 1709. From the first introduction of the art of printing into England, until that period, there had been no legislative enactment on the subject; but it had been always understood and acted upon, that the copyright of every author or proprietor was vested in him *in perpetuity*. As the booksellers and printers were, in former times, almost all members of the Stationers' Company, which was incorporated in 1556, by charter, a plan was devised, for the general benefit and convenience, of keeping a register at their Hall, in which was entered the title of every book, when first published, with the name of the proprietor or proprietors, and also the transfers of copyright, which were from time to time made. By the bye laws of the Company, severe fines were levied on any of the members acting in violation of these rights. In 1684, King Charles II. granted a new charter to that Company, of which the 37th clause is as follows:

"Whereas divers brethren and members of the said Company of master, and keepers or wardens, and commonalty, of the mystery or art of Stationers of the City of London, have great part of their estates in books and copies, and for the space of one hundred

years and upwards now last past, and constantly down to the present time, have had a public register kept in their common hall for the entry and description of books and copies (*not granted by our letters patents or any of our royal predecessors*) regarding their being printed by or for the members, and brethren, and freemen, of the same Company: We, therefore, willing and desiring to confirm and establish every brother, and member, and freeman, of the said Company, in their just rights and properties, do well approve of the foresaid register; and of our special grace, certain knowledge, and mere motion, we for ourselves, our heirs, and successors, do give and grant by these letters patents, to the foresaid master, and keepers or wardens, and commonalty, of the mystery or art of Stationers of the City of London, that every brother, member, and freeman, of the same Company of Stationers, who now is, or shall hereafter be, a brother, member, and freeman, of the same Company, and shall be, and shall become a proprietor of any book or copy, either by gift or purchase from the author, or afterwards from such other person, who has or shall have the right and power of giving, granting, or selling, of the same, and shall duly enter the same book or copy in the said register of the Company of Stationers, to him, or to them, as his or their copy or copies, that then such person shall have and enjoy the sole right, power, privilege, and authority, of printing such book or copy, as in that case has been usual heretofore, for the space of one hundred years and upwards, strictly forbidding, prohibiting, and commanding, all our subjects, and of our heirs and successors, that they, or any of them, at any time hereafter do not print, or cause to be printed, any book or copy, or part of any book or copy, nor import, or cause to be imported, nor sew, bind, sell, or expose to sale, any book or copy, or the part of any book or copy, printed contrary to these our letters patents."

By the 2nd of William and Mary this charter was repealed, in common with a number of others, on account of some arbitrary regulations materially affecting the liberty of the subject. Between that time (1691) and the year 1709, the proprietors of books appear to have been very much annoyed and injured by the frequent invasion of their copyrights. They applied to Parliament, in 1703 and 1706, for an Act to protect their property from such viola-

tion; but did not succeed until the year 1709, when the Act was passed, upon one of the clauses of which the Universities and other public libraries have grounded the claim, which has recently been decided by the Court of King's Bench to be well founded. The reasons of the booksellers for desiring an Act, in which a new security was introduced for the protection of their property, were stated in one of their cases as follow: "*By common law a bookseller can recover no more costs than he can prove damage; but it is impossible for him to prove the tenth, nor, perhaps, the hundredth part of the damage he suffers; because one thousand counterfeit copies may be dispersed into as many different hands all over the kingdom, and he not be able to prove the sale of ten. Besides, the defendant is always a pauper, and so he must lose his costs of suit. No man of substance has been known to offend in this particular, nor will any ever appear in it; therefore, the only remedy, by the common law, is to confine a beggar to the rules of the King's Bench, or Fleet: and there he will continue the evil practice with impunity. We, therefore, pray that CONFISCATION of counterfeit copies be one of the penalties to be inflicted on offenders.*"

After this preliminary statement, it may be useful to give a summary of the preamble and different clauses of this Act, connecting them with the two subsequent statutes, and stating the construction which has always been put upon them, from that day to this, by *all the parties interested*, and the reasons which appear to justify such construction.

The title of the Act is: "*An Act for the encouragement of learning, by vesting the copies of printed books in the authors or purchasers of such copies, during the times therein mentioned.*" The preamble states: "*Whereas printers, booksellers, and other persons, have of late frequently taken the liberty of printing, reprinting, and publishing, or causing to be printed, reprinted, and published, books, and other writings, without the consent of the authors or proprietors of such books and writings, to their very great detriment, and, too often, to the ruin of them and their families: for preventing, therefore, such practices for the future, and for the encouragement of learned men to compose and write useful books, be it enacted,*" &c.

Sect. 1. From the 10th of April, 1710, the author or proprietor of any book *already printed*, shall have sole right of printing such book for the term of twenty-one years; and the author or proprietor of any book *not printed or published*, shall have sole liberty of printing such book for the term of fourteen years from the day of publication. If any other book-seller, printer, &c. shall print or reprint such books without consent of proprietor, or shall sell, publish, &c. such books, without such consent, they shall forfeit such books, and farther shall forfeit *one penny for every sheet* found in his custody; one moiety thereof to the Queen, the other to any person suing for the same. By the Act of 41 Geo. III. this forfeiture is increased to *three-pence for every sheet*.

Sect. 2. In order to prevent persons from ignorance offending against the Act, and to ascertain the property, and the consent of the proprietors to the printing, &c. of books, from time to time, nothing in the Act shall be construed to *subject any person to the above penalties, unless the copy of the book shall have been entered, BEFORE PUBLICATION, in the register book of the Stationers' Company, in such manner as hath been usual*; the register book to be kept at the Hall; for every entry, sixpence to be paid; such register book to be always open for inspection, without fee or reward; for certificates of entry, the clerk to be paid sixpence. By the 15 of Geo. III. cap. 53. the Universities have copy-right given them in perpetuity, and have the same penalties for the infringement of their copyrights, as other proprietors; but by Sect. 4. no penalties can be recovered, unless the entry be made in the Stationers' Hall register, in such manner as hath been usual.

Sect. 3. If the clerk of the Stationers' Company refuse or neglect to register, he forfeits to the proprietor twenty pounds, who shall, by an advertisement in the gazette, have the like benefit as if such entry, &c. had been made.

Sect. 4. This clause, giving a power to certain personages to regulate the price of books, having been repealed by the 2nd of Geo. II. cap. 36. it is unnecessary to specify it.

Sect. 5. *Provided always*, that nine copies of each book or books, upon the best paper, that from and after the 10th of April, 1710, shall be *printed and published as aforesaid, or reprinted and*

published with additions, shall, by the printer or printers thereof, be delivered to the warehouse-keeper of the said Company of Stationers, for the time being, at the Hall of the said Company, BEFORE SUCH PUBLICATION MADE, *for the use of the Royal Library, and eight others there mentioned † which said warehouse-keeper is required within ten days after demand by the keepers of the respective libraries, to deliver the copy to them for the use of the aforesaid libraries: and if any proprietor, bookseller, or printer, or the said warehouse-keeper of the said Company of Stationers, shall not observe the direction of this Act therein, that then he and they so making default, in not delivering the said printed copies as aforesaid, shall forfeit five pounds for every copy not so delivered, as also the value of the said printed copy not so delivered, to be recovered by the said libraries with full costs of suit.

The 15th of Geo. III. cap. 53, sect. 6. recapitulates this clause, and states, that “Whereas the said provision has not proved effectual, but the same hath been eluded by the entry only of the title to a single volume, or of some part of such book or books, so printed and published, or reprinted and republished as aforesaid, he it enacted, That no person or persons whatsoever shall be subject to the penalties in the said act mentioned, for or by reason of the printing, &c. without the consent mentioned in the said Act, unless the title to the copy of the whole of such book, and every volume thereof, be entered, in manner directed by the said Act, in the register book of the Company of Stationers; and unless nine such copies of the whole of such book or books, and every volume thereof, printed and published, or reprinted or republished as therein mentioned, shall be actually delivered to the warehouse-keeper of the said Company, as therein directed, for the several uses of the several libraries in the said Act mentioned.”

The 41 Geo. III. cap. 107. Sect. 6. enacts, “That from and after the passing of the Act, in addition to the nine copies now required by law to be delivered to the warehouse-keeper of the said Company of Stationers of each and every book or books, which shall be entered in the register book of the said Company, two other copies shall be in like manner delivered for the use of Trinity College, and the King’s Inns Society’s Libraries, Dublin, by the printer of all and every such books as shall hereafter be

printed and published, and the title to the copyright whereof shall be entered in the said register, book of the said Company; and that the said College and Society shall have the same remedies for enforcing the delivery," &c.

Sect. 6. Penalties incurred by persons in Scotland, shall be recoverable by action before the Court of Session.

Sect. 7. The importation of Greek and Latin books printed abroad, or foreign books in any language, not prohibited by this Act.

Sect. 8. In any action brought against any person for doing any thing in pursuance of this Act, defendant may plead the General Issue, &c.

Sect. 9. The right of the Universities, or of any person or persons, to the printing or reprinting any book or copy already printed, or hereafter to be printed; neither prejudiced nor confirmed.

Sect. 10. All actions must be brought within three months.

Sect. 11. After the first fourteen years, if the author be living, the copy-right shall return to him for another term of fourteen years.

From the preceding statement it will clearly appear :

1. That the Act of Ann was brought in at the instigation of the booksellers.

2. That it gave them the means of obtaining a new and additional security for the preservation of their property, to what they had by the common law : and that, in return for this, they agreed to give nine copies of all such books as they conceived it advisable to protect in that manner.

3. That the registering the copy, and the delivery of the nine books, being both required to be made *before the publication*; and the warehouse-keeper of the Stationers' Company being made equally liable to the penalty, for *non-delivery* of the books, with the printer and bookseller, appears to show that the penalty could not apply to the non-delivery of *books not entered*. The process being clearly as follows :

1. The entry in Stationers' Hall register.

2. The delivery of the nine copies, at the time of such entry, by the printer to the warehouse-keeper.

3. The demand made, by the several keepers of the libraries, of the books from the warehouse-keeper.

4. The delivery, within ten days after such demand, by the warehouse-keeper.

For the non-compliance with the second and fourth steps of this process, the Act attaches a penalty of five pounds, besides the value of the book and the costs of suit.

4. That in the whole body of that, and of the two subsequent statutes, not one word is said of the *advancement of learning* being the object to be effected by giving such copies; nor of any *right* that the said public libraries have to them. If it had been the intention of the legislature, that *EVERY new book*, and *EVERY new edition with additions*, should be delivered, it would have been the natural and easy way to effect it, to attach the *penalty* to the *neglect of registration*: as, by reference to this register, these bodies could at all times know what books were actually published, and ascertain if any printer or bookseller had deprived them of their right.

5. That the clause in the 15th of Geo. III. reciting that the provision of the Act of Ann had not proved effectual, but had been *eluded*, by the *entry* only of the *title* to a *single volume*, or *some part*, was merely intended to check a practice which had become prevalent, for publishers of works in numbers or volumes (such as *Rapin's England*, *Biographia Britannica*, *Chambers's Cyclopædia*, *Universal History*, &c.) to enter the title, and deliver only the first number or volume; thereby seeking to acquire a right to the penalties, without complying with the previous condition.¹

¹ Had the public libraries even understood the clause in the sense now contended for, it is not a little extraordinary that the experience of nearly seventy years had not taught them the means of rendering it somewhat more effectual. It deserves remark, that in the 15th Geo. III. cap. 53. securing to the Universities and Colleges their right to all their copies in perpetuity, (which the booksellers had only a little before lost, by a decision of the house of Lords,) these bodies are merely required to register their copies, without delivering the nine books, in order to entitle them to the same penalties as other proprietors of books. This would indicate that they had considered it merely a useless form, entirely optional, otherwise, it does seem rather extraordinary, and unfair, that after

6. That the Sect. 6. of cap. 107. 41 Geo III. intitling the two Irish libraries to the same privileges as the other nine libraries, completely recognises the exposition here given.

It may be said, what is the use of all this detail upon a point which a Court of Justice has already decided upon; and decided contrary to the view here sought to be established? The author conceives it of the greatest use, at a moment when the Legislature is called upon to consider, whether it be politic, just, or expedient, to confirm this decision. He was not a hearer of the arguments upon the trial: perhaps the points here dwelt upon have been all stated, and with much more ability than he can pretend to possess: but the deductions and inferences here made, are, he humbly conceives, those of *common sense*, although they may not be of *law*. With every respect for the great talents and profound legal acquirements of the Judges who decided this question, he cannot banish from his mind, that, upon a point in the same statute, which appears to be¹ clearly expressed as words can express any thing, (namely, Whether an author's *perpetuity* of copyright was *abridged* by the Act?) the bench of that day were equally divided; and that the construction, which was afterwards decided by the Supreme Court of this kingdom to be erroneous, was supported by the splendid eloquence of the great Lord Mansfield. Remembering this, and finding the effect of the decision in question will be to overturn the *uniform construction and practice of a century, agreed to by all the parties interested*, he has been led to examine the arguments of the learned Judges with more than usual attention; and he cannot help fancying that he has detected in them some unwarranted assumptions. He will merely confine himself to one of these,¹ as that appears to be the foundation of the learned

being placed on a better footing than any other proprietors, they should get rid of the burden to which all others were subject. They seem to have rested satisfied with their *common law right of protection*, as they have never even registered their books.

¹ It may be asked, however, (with reference to part of the Lord Chief Justice's argument,) Whether it is most consonant with justice, when an Act of Parliament has been in force for nearly seventy years, and a clause doubtfully expressed in it has received a uniform interpretation during that period—when,

Judge's argument; premising, that the operation of the late decision will be to intitle the *nine* libraries to a copy of *every new book*, and *every new edition with additions*, whether entered in the register or not; and that the warehouse-keeper will now become next to a non-entity. The two Irish libraries are clearly *not intitled to any books that are not registered*.

Mr. Justice Le Blanc stated: "The doubt arises upon the words, printed and published as aforesaid. Suppose the clause had been only, that nine copies of each book that shall be printed or published, or re-printed and published, shall be delivered to the warehouse-keeper, *that could not have been the intention of the Legislature, because they never meant, I apprehend, to say that nine copies of ANY book, which at any time should be printed or re-printed, should be delivered*; but it was, that nine copies of every book which should be printed or re-printed by any persons to whom the exclusive right of printing or re-printing is given by the first clause, shall be delivered to the register or clerk of the Company, for the use of the Universities; and as aforesaid means, that shall be printed and published, not under the restrictions of the registry, but that shall be printed and published by the persons to whom this right or privilege is given by the first section of the Act; and that appears to me the meaning of the term 'as aforesaid,' instead of confining it, as contended on the part of the defendant, to printed and published, and entered as aforesaid: if that had been the object of the Legislature, it would have said, that nine copies of each book which shall be printed and published, and entered as aforesaid, shall be delivered to the clerk for the use of the Universities: instead of which, it is printed and published as aforesaid, which means printed and published by those to whom the exclusive right of printing and publishing is given by the preceding section of the Act; and that appears to me perfectly clear."

At the end of it, a new Act confirms the said interpretation—and after the lapse of twenty six years a third Act confirms it still more strongly—we ask, Whether is it more consonant with justice, that the same interpretation should be adhered to; or, by setting two Acts of Parliament at variance with a preceding, that a new meaning should be given to the original Act, which it is barely possible was ever intended?

Now it may be fairly asked of the learned Judge, by what *other persons*, than those to whom the Act has given the *exclusive* right of printing or reprinting, can any new book, or new edition, be printed or published? The Act describes these to be, "the author who hath not transferred to any other the copy or copies of such book or books, share or shares thereof;" or "the bookseller or booksellers," "printer or printers;" or "any other person or persons" "who hath or have *purchased* or *acquired* the copy or copies of any book or books, in order to print or reprint the same." The author has revolved the subject in every possible way; but he confesses he has been wholly unable to discover any class of books, or description of proprietors, to whom the provisions of the Act do not apply.—But enough on this part of the subject. He will proceed to show, that the Act, as now expounded, is totally at variance with other Acts passed for the protection of similar descriptions of property.

By the Act of 8 Geo. II. cap. 13. intitled, "An Act for the Encouragement of the Arts of designing, engraving, and etching historical and other Prints, by vesting the Properties thereof in the Inventors and Engravers, during the time therein mentioned;" the proprietors have a right of printing and reprinting the same, for the term of fourteen years from the date of publication (which, with the name of the proprietor, is to be engraved on the plate). Any person copying and engraving such prints without consent, forfeits the copper-plate, and the whole of the impressions, to the proprietor; besides five shillings for every print found in custody. *There is no condition whatever attached to these advantages.* By the 38th of the 7th Geo. III. these advantages were still further extended. It is there declared, that "every person who shall invent or design, engrave, etch, or work in mezzotinto, &c. or shall cause or procure to be designed, engraved, &c. any *historical print or prints*, or any *print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever*, they shall have the benefit of the two Acts." Farther, the term of copyright was extended from fourteen to twenty-eight years: *and all this still without any condition required of the inventor or proprietor*: no entry to be made, nor impressions to be delivered. Nothing more is required than that he shall

put his name, and the date of the publication, to the bottom of the print.

Is not the mere statement of these two Acts sufficient to show the grievous injustice of the Act for the *Encouragement of Learning*, explained as it has now been? Is it not clear beyond dispute, that from the first introduction of the art of engraving into England, the booksellers have been the greatest patrons and encouragers of it? That the principal modern works abound in *historical prints, portraits, conversations, landscapes, architectural prints, maps, charts, or plans*; hardly a work of any importance being now published, which does not include prints coming under some one or other of these descriptions. And is it not, therefore, inconsistent and absurd to the last degree, that a greater advantage should be conferred on the professors of a mechanical art, than on authors? that a right should be given to the proprietor of a *single print, without any condition*, which is clogged with a heavy burden where a *number of prints* form only part of a work? As in the Act of Anne and the subsequent Acts, no mention is made of *prints* forming a part of books, it might be supposed that books containing them would be excepted from the operation of this decision. Are the Public Libraries willing to construe the Act in this manner: "No," says the University of Glasgow, "these costly publications are precisely those which Universities can least afford to purchase; but of which, at the same time, they stand in the greatest need. The possession of those magnificent productions of the British press, in which the refinements of elegant art have been so happily employed to adorn the noblest efforts of taste and genius, could scarcely fail to give to a University, in the eyes of students and of the public, that dignity and respectability which are so essential to its real usefulness. But, besides this consideration, which is of no trifling magnitude, it is also to be remembered, that various departments of liberal education cannot be successfully conducted without a very ample supply of books; which necessarily demand the aid of accurate drawing and of correct engraving; not for mere decoration, but for the more important purpose of illustrating the subjects of which they treat. It is sufficient to mention architecture, antiquities, geography, anatomy, physiology, zoology, botany; in short almost all the branches of physical science.

Such are the books which, because otherwise they would be unattainable, the University of Glasgow is most solicitous to obtain."

The author will only add to this part of the subject, that if the practice of a neighbouring nation, which has always piqued itself on the encouragement of learning and the arts, can be supposed to add any thing to the force of the arguments here employed, it is decidedly in favor of the construction. The law of France is as follows :

" Tout citoyen qui mettra au jour un ouvrage, soit de *littérature* ou de *gravures*, dans quelque genre que ce soit, sera obligé d'en déposer *deux exemplaires* à la Bibliothèque Nationale, ou au Cabinet des Estampes de la République, dont il recevra un reçu signé par le Bibliothécaire ; FAUTE DE QUOI il ne pourra être admis en justice pour la poursuite des contrefacteurs."

Changing *two* into *nine*, and substituting the *reçu* for the entry at Stationer's Hall, the meaning is precisely the same.

We turn to another view of the subject, at the present moment by far the most important. We have seen what sort of *RIGHT* these public bodies have now acquired ; that it is a *right* which they have never exercised, is undisputed ; if it has been *evaded*, it is an *evasion* of which they have been equally guilty with the persons whom they are now contending against. They were informed, previous to the trial, that if the decision should be contrary to the previous constant practice and understanding, immediate recourse would be had to the Legislature, to place the disputed point, for the future, beyond the reach of cavil. The whole of the grievance to one party, and of benefit to the other, is *prospective* ; consequently we are here, in a certain degree, upon untried ground : but if it can be shown, as it can be most clearly, that the advantages which the Act, as now explained, will produce, bear no comparison to the disadvantages, and oppression, under which literature and the arts would fall by it, there is no doubt but an enlightened Committee will report it as their opinion, and the Legislature will be equally ready to adopt it, that it is expedient immediately to put an end to a state of things so unsatisfactory.

Independent of the *right* which has now been confirmed to them by the late decision, the advocates of the public libraries, but more particularly the advocates of the University of Cambridge, which

has taken the lead upon this occasion, contend, that it is *expedient* to be enforced, on account of the advantages to the cause of learning which it will produce; and, *taking that for granted*, that it is necessary to enforce it on account of the *inadequacy of the funds* of the different libraries to purchase the different works which it is necessary to add to them from time to time. These gentlemen proceed a little faster than prudence would recommend to them: they cannot but be sensible, that since books were first printed in England (now nearly 350 years), none of them have ever enjoyed the privilege now contended for,¹ and yet the cause of learning has continued to advance, and the libraries to increase. They must be sensible, that the question, Whether the cause of learning has been benefited by the multiplicity of books? has been one of those ingenious problems which has occupied the attention of literary men, in common with that of, Whether the preference is to be given to the civilized or savage state? and others of a similar nature, without producing conviction on either side. No later than 1807, this very University proposed for prize subjects an Essay and an Epigram, which sufficiently indicate even their doubts upon the subject. For the Essay, "*Utrum literis prosit librorum quanta nunc est editorum copia?*" As Mr. Christian's "*Vindication of the Right of the University to a copy of every new publication*," appeared in the same year, it may be presumed, that the arguments of the Essay, which was honored with the medal, were so cogent and convincing for the affirmative, that the learned Professor was instigated by them publicly to assert this right. For the Epigram, the subject was still more appropriate, *Μεγα βιβλιον μέγα χάρον*. If this be applicable to a great book, by a parity of reasoning it is not less so to a great library. But, jesting apart, there is nothing in such an argument but begging the question.

On the contrary, it is a position which may not be very difficult to prove, that the cause of learning has been as much benefited, and science equally advanced, by persons who have never been within

¹ *The Licensing Act*, which was partially in operation for 32 years from 1662 to 1694, cannot be considered as forming any exception to this remark, that measure was entirely directed against the liberty of the press, and Dr. Bentley's statement sufficiently shows that it was exceedingly evaded.

the walls of a University, and consequently could never have enjoyed the benefits of its library. The name of Henry Stephens, the immortal author of the *Thesaurus Lingua Græca*, will immediately bring proof of the first; and in our own times, that of Sir Humphrey Davy of the latter. Besides, the privilege now contended for may lead to what they do not seem to be aware of: if it was the object of the Legislature to advance learning by forcing the proprietors of books to give these nine copies, it was certainly the intention that they should be preserved. *That the contrary has been the case in all these libraries, is notorious.* Let any man, however, look at the list of publications at the end of Mr. Montagu's pamphlet, and put it to himself, if the cause of learning would be advanced by the preserving of such works, if the libraries would not be disgraced by the introduction of them? It will easily occur to any one, how large a proportion of modern publications, plays, novels, romances, and poetry, constitute. Such books are rarely admitted into any public library; consequently, the operation of this privilege would occasion a complete destruction of property to the owner, without any benefit whatever to the libraries. But, say the Universities, we will only require you to *deliver what we demand*: as it is perfectly clear that no penalty attaches to the non-registration of a book, their agents must, consequently, have the privilege of coming into any man's house and saying, Sir, I demand this book for the University of Cambridge &c. Is it proper, is it to be tolerated; is it in the spirit of the laws of England, which equally protect every man's person and property, that such a power should attach to one body to hold in terror over another? It may also be stated, that from the circumstance of these different libraries being situated in various parts of the kingdom, and from the different constitutions of the bodies whose property they are, many works which may not be improper for one, are altogether out of place, or ridiculous in another. What *advancement of learning* can arise from putting the University of St. Andrews, in possession of Fearn's Essay on the Learning of Contingent Remainders? or giving Sion College, (the library of the London Clergy), a copy of Monro's Treatise on the Gullet, or Rees's Mystery and Art of Cordwaining?

Contrast this *ADVANCEMENT of learning*, with the *ENCOUR-*

ENCOURAGEMENT of learned men to compose and write useful books, which is stated in the preamble of the Act of Anne to be its object. Is not the encouragement there meant, that by giving them the exclusive privilege, for a certain time, of printing, publishing, and selling, *they are to derive a profit*? The chance of obtaining that profit, particularly by the author or proprietor of an expensive work, is by the new operation of the Act so much diminished, that it must immediately strike every impartial observer, that the public libraries, instead of being, as they ought to be, and have been, the *encouragers* (in the only sense in which the word can be taken), are converted into the *DISCOURAGERS*, the *TASK-MASTERS*, and the *OPPRESSORS OF LITERATURE*. This naturally brings us to the last of the *considerations* (for *arguments* they cannot be called) which are adduced by their advocates for the propriety of the enforcement of this right, and that is, the *inadequacy of their funds*. To this part of the subject the author really turns with some pain. It might have been expected, that in endeavouring to revive the operation of a *statute*, (granting for a moment that the original object of it was as they represent,) which had never been acted upon at any time since it became a law, some strong case would have been made out, of extreme poverty on one side, and of avarice and opulence on the other, uniting to deprive the unfortunate, aggrieved party of his just rights. But what is the real case? that at the head of those contending for the enforcement of this right, stand the two English Universities, powerful, wealthy and intrenched in privileges already? What! is it to be believed that these nobly endowed seminaries, whose very origin and object was the promotion of learning, should be the first to set the example of oppressing it? Is it to be credited, that with the continually increasing value of their endowments, they cannot set apart a small portion of their funds for the purchase of books? or, if the fund already set aside is too small, that they cannot add to it? That this claim is made by persons who are themselves *monopolists* in this commodity against those who have no such privileges, at the expense of creating a great *discouragement* to literature, when the only colorable ground on which their own monopoly can be defended is the *encouragement* of literature, is among the glaring features of absurd injustice which this case involves.

The number of libraries which are intitled to claim under the Act of Anne, are nine :

1. The King's Library, since transferred to the British Museum :—of this afterwards.
2. The Library of the University of Oxford, commonly called the Bodleian.
3. The Library of the University of Cambridge.
4. 5. 6. 7. The Libraries of the Universities of Edinburgh, Glasgow, St. Andrews, and Aberdeen.
8. The Library of the Faculty of Advocates of Edinburgh.
9. ————— Sion College, in London (or the Library of the London Clergy.)

By the Act of 41 Geo. III. already mentioned, there were added to these nine,

10. The Library of Trinity College, Dublin.
11. The Library of the Society of the King's Inns, Dublin.

Let us take these in order.

2 and 3. The two English Universities have, the following privileges :

1. The *copyright* in all works bequeathed to, or acquired by them, is vested in them *in perpetuity*, so long as the works are printed at their own presses.
2. They have (in common with the King's printers in England, Scotland, and Ireland,¹) the exclusive privilege of printing Bibles and Prayer Books ; and an exemption from the duty on paper used for them.
3. They have the same privilege (in common with the King's printer in England) of printing the Statutes of the Realm.
4. They have an exemption from the duty on paper used for books for the purposes of classical instruction, and all works in the learned languages, printed at their presses.
5. They have 500*l.* per annum paid to each of them by the nation, for the purpose of enabling them to assist poor scholars and fellows in printing their works.

¹ The Bibles and Prayer Books printed in Scotland and Ireland are not allowed to be sold in England.

Let any one reflect for a moment on the value of the second of these privileges at the present time, when the demand for Bibles, occasioned by the exertions of the Society for Promoting Christian Knowledge, and the recently-formed Bible Societies, has been such, that the various presses employed have been insufficient to meet it. We may fairly ask, Is there no profit attending the sale of these immense editions? And, supposing it to be very moderate, we may further ask, To what purposes is it devoted? These questions will not be deemed impertinent, when it is recollected that the established English Version of the Scriptures was not the work of either, or both the Universities, but the production of a number of learned men, selected by the Sovereign, and paid for their labor *by the Nation*. Let it also be remembered, that this is the only Protestant country in Europe where the printing of Bibles is a monopoly: and what the effect of this monopoly has been, until lately, may be learned from the ingenious Speech of Bishop Shipley, lately republished by Mr. Basil Montagu; for which, by the way, the booksellers must feel very much obliged to him. As the monopolies are no longer in their hands, but in those of their antagonists, perhaps his powerful arguments may produce the effect of inducing them to share a portion of their advantages with the booksellers, on the same principle that the Nation and the Government are now calling on the East India Company to give up a portion of theirs to the public. But to return from this digression.

In addition to those great privileges, which these learned bodies will not deny were given them for the purpose of assisting more powerfully the cause of learning, and not for *their own private advantage*, both Universities raise a very considerable sum annually, *by taxation on their own members, and contributions*, specifically for the purpose of purchasing books for their public library. At Oxford, this fund has been, for the last three years, much on the increase. By the accounts which are annually printed, it appears, that during the years 1810, 1811, and 1812, nearly 2000*l.* were collected; of which there actually remained undisposed of, on the 15th of December last, 1303*l.* 12*s.* 9*d.* The pecuniary affairs of the Sister University are conducted with a little more mystery; we are consequently unable to give the amount of their fund and ex-

penditure so exactly : but that it is considerable, no one can doubt. On examination of the books purchased for the Bodleian Library, it does not appear that, in any one year, more than 100*l.* was at any time expended for *modern books*.

4, 5, 6, 7, and 10. The four Universities of Scotland, and Trinity College, Dublin, have the same advantage as to the perpetuity of their copyrights, which the English Universities have.—(The printing of Bibles and Prayer Books, in both these kingdoms, appears to be exclusively the right of the King's printer ; for what reason, the author knows not.)—They have also an exemption from the duty on paper, on all works of classical instruction, and in the learned languages, printed at their presses.—The Scotch Universities never appear to have made use of this privilege in the manner that Oxford and Cambridge have done ; but, by naming some individual printer to the University, have communicated to him the advantage derived from it.

That all these have funds appropriated for the purchase of books, is certain. Some of them may be moderate ; but it should be recollected, that they may at all times be augmented to the necessary amount, by a moderate taxation on the members and students. In some of the Scotch Universities, the number of students (parti-

* A late remarkable instance of the anxiety of the most richly endowed College of this University, for the *advancement of learning*, and its consideration for the pockets of *poor scholars* (of whom Professor Christian speaks so movingly) deserves to be made public. It is well known that the College in question, some time since, purchased, at an extremely moderate price, the library of books and MSS. of a late eminent Greek scholar, one of their greatest ornaments. Two members of their body were appointed to select a volume of critical observations from his MSS.; which, when prepared, was printed at the expense of the College. It might have been expected that this volume would have been published at such a price, as, with the same of the author, would have tempted the poorest scholar in the kingdom to buy it. What induced the *higher powers* to adopt a different line of conduct, we know not : but this we know, that by availing themselves of the competition which is so easily excited among the trade for the work of a celebrated author, they obtained such a price from a London bookseller for the impression, as not only indemnified all their expenses on that head, but reduced the cost of their original purchase to nothing. The bookseller, however, appears to have smarted for his liberality, for, being obliged, in justice to himself, to put an exceedingly high price upon the book, he begins, we are afraid, to find it hang rather heavy on his hands.—Has this College sent the eleven copies to the public libraries?

cularly at Glasgow) has increased very much of late years. By a small addition to the fine on matriculation, to be appropriated to the purposes of the library, sufficient funds may be raised for the purchase of all books of importance, without calling upon the Legislature to sanction the plunder of private property, for the purpose of giving to these learned bodies "that high rank in public estimation;" "that dignity and respectability in the eyes of students, and of the public, which are so essential to their real usefulness." What! is it from the University of Glasgow that we hear such language? from that University which has been dignified by the number of men of genius and talent, who have from time to time shed lustre on it by their professional labors and their valuable works? that has to boast of a Simson, a Moor, an Adam Smith, a Reid, a Ferguson, a Millar, and a Young? If an extensive library, so extensive as even to embrace the most trifling pamphlet of the day, is so necessary to the dignity and rank of a University, how much is it to be regretted that this discovery was not made sooner! What have not the public lost by it! Yet, in the teeth of all this fine declamation, unfortunately stare us in the face the facts, that, notwithstanding "the flagrant invasion of these privileges," by those rogues the booksellers, the cause of learning and science has not declined; the University of Glasgow, and every other University, which has had the wisdom and the good fortune to call eminent abilities to the professorial chairs, has flourished, and will continue to flourish, although there were not a dozen books in their public library.

8. The Library of Sion College, belonging to the London Clergy.

9. The Library of the Faculty of Advocates at Edinburgh.

10. The Library of the Society of the King's Inns, Dublin.

¹ This has actually been done at Edinburgh. At Glasgow, where there are at this moment about 1200 students, (700 *togati*, and 500 *non togati*), the funds for the support of the University library are very small, and the subscriptions voluntary. But it should be kept in mind, that as in the English Universities each College has a library of its own, to the support of which every member contributes; so at Glasgow each class has its peculiar library, which is kept up by the contributions of the students attached to it. Here is something at least for "real usefulness," if not for "high rank, dignity and respectability."

Each of these libraries is supported by the contributions of its own members. The funds of *Sion College* are very small, of that of the *Faculty of Advocates*, considerable, but uncertain, being derived from the moiety of the fine of 200*l* paid by each person proposing himself for admission; and of that of the *King's Inns Society*, considerable, and probably raised in a similar way to those of the *Advocates*.

The only library yet untouched, is that of the *King*, which His Majesty, with his characteristic munificence, at an early period of his reign transferred to the *British Museum*. That is, strictly speaking, the *NATIONAL PUBLIC LIBRARY*, supported by public funds, endowed with no peculiar privileges, and of more real use and advantage from the facility of access, than all the others put together. It is not to be denied that if the others, although called *public libraries*, are, strictly speaking, as much private property, and as much destined for the *exclusive use* of the bodies to which they belong, as the libraries of *His Grace of Devonshire*, or of the *Earl Spencer*, belong to those noblemen. It may be added, that since the *Act of 1793*, many other *public libraries* have started up, some of them much more open and accessible to public use than those which now claim the title. Among these may be named, the *Radcliffe Library* at *Oxford*, the *Chetham Library* at *Manchester*, the *Library of the Writers to the Signet*, at *Edinburgh*; the *Libraries of the Royal Institution*, of the *London Institution*, (both large and excellent), and of the *Sturges and the Russell Institutions*, in *London*, the *Library of the Athenæum*, at *Liverpool*, the *City Library*, at *Bristol*, the *Library* at *Birmingham*, &c. Upon the same principle on which the 10 bodies mentioned in the *Act* claim, all the libraries just mentioned might claim copies of every new book. Yet no *Legislator* has yet thought proper to move, that they should be included in the *Act*.

¹ See "An Address to the Parliament on the Claims of Authors, &c. by a Member of the University of Cambridge," page 34, for an account of the restrictions on the use of the public library at Cambridge, even to its own members.

² It is a fact which deserves mention, that in France, before the Revolution, and probably to this day, every city or principal town, amounting altogether to between two and three hundred, had its public library, and that the author or publisher of a valuable work might confidently rely on the greater number of them purchasing it. These were true *encouragers of literature*.

It may be fairly asked of these bodies, supposing the Legislature were to confirm this right to its fullest extent, in what way would they think it proper to employ the funds which they actually raise? Hear the answer of the University of Glasgow: "The law places in their libraries every work in literature and science, which the press of an enlightened nation can supply; and thereby leaves their library funds free for the purchase of the most valuable foreign publications."

Is this the *encouragement to British Literature*, which we might hope to receive from a *British University*? or is it to be believed, that those who are expected, above all others, to set an example, should propose to *pick the pockets* of the English booksellers, to put into those of the French or German? "Oh! shame, where is thy blush?"

On the last part of the subject, which has not been yet touched upon, namely, the injurious operation of the Act, as now construed, to Literature, to the Arts, and to the Revenue of the country, a very few observations will suffice. (The Committee, appointed by the House of Commons, have examined evidence on the subject, which has been miserably deficient indeed, if it has not proved how very fallacious the language, and the arguments, of men so misinformed and prejudiced on the subject, as Mr. Christian, Mr. Montagu, the Cambridge gentleman, and the Glasgow Memorialist.) The effect on all these may be stated in a few propositions, the truth of which may be easily demonstrated, indeed is next to self-evident.

Previously we may, however, be permitted to ask a question, and to make a few additional observations, not immediately coming under any of the preceding heads. The question is, *What relation does subsist, or ever has subsisted, between the Universities and the Booksellers, which should intitle the Universities to demand, the Legislature to authorize, and the Booksellers to submit, to a tax, of which there is no precedent in this or any other country?* That one body of men, besides paying their share of the taxes and

public burdens, including the tax on their profits, to the government, should be called on to pay to eleven other bodies a tax of several thousands a year, is, indeed, "a claim so extraordinary, that if a parliament were to sanction it, we might say, that a parliament was indeed *omnipotent*, but, at the same time might reasonably entertain something of the kind of feeling which dictated Mr. Bennet's answer to Dr. Bentley, "that he knew not what right the parliament had to give away any man's property." Let it be recollected too, as has been already stated, that the bodies claiming this tax, are precisely those by whom the booksellers are most injured, without the least return of benefit; that at a time when King's patents, and monopolies, are nearly at an end in all other branches of commerce, they hold, in common with the King's printers, the monopoly of by far the most lucrative branch of the printing and bookselling business, to the great injury of the booksellers, and to the considerable diminution of the revenue. Supposing, for a moment, that an Act should be passed, that every clothier should give 11 yards of every piece of cloth he manufactured to the public libraries, would it not be considered an enormous hardship? would it not raise the price of cloth materially? as the clothier would naturally add the price of these 11 yards to the cost of the whole piece, and put a price on it accordingly.—The comparison may seem ludicrous, but it is not less just; for there is as much relation between the public libraries and a clothier, as there is between them and a bookseller; but with this unfortunate difference, that the tax in the one case would be laid on an article for which the demand is certain; and in the other, on that which the proprietor is not sure will ever return him half the money he has expended on it.

What the actual amount of the tax may be, if levied to the fullest extent, is extremely uncertain. If it is to include newspapers, which, under the denomination of *other writings* in the Act, may be understood, it is, perhaps, not rating it too high, (with the Cambridge gentleman), at 10,000 per annum.

Some of the effects which may be fairly anticipated from the operation of the tax are here stated.

1. That the bookselling business being more than any other a business of speculation; the expenses of paper, printing, engraving,

&c. being now so heavy, and the hazard of loss on all publications so much increased from the state of the times, and the war with America, in particular, having greatly diminished the number of purchasers, any addition will have the effect of deterring from the undertaking of works. On works with prints, and of small impression, it must operate decidedly. Consequently, there will be a diminution of the revenue from the diminished consumption of paper, and a material reduction of employment for printers, and all classes of artists connected with the publication of books.

2. That the clear and obvious effect of giving these eleven copies must be the enhancement of the price of books; as it is not to be believed for a moment that the proprietor of any work will consent to pay such a tax, without endeavouring to reimburse himself in some way: he has no other way than that of laying it on the public. Of the effects of such increase on the *advancement of learning*, my Lord chief justice has given his opinion in his argument on this subject.

3. That in taking eleven purchasers out of the market, a certain number of whom may be, and always have been, depended on for the purchase of expensive works, you reduce by so much the probability of the proprietor being reimbursed his expenses: if the impression of a book be entirely sold, he is clearly out of pocket the full price (whether at trade or retail is no matter) of these eleven copies: if it be not sold, his remainder on hand is just diminished in value that number.

4. That this addition to the expenses of publication will have the effect of contributing to the ultimate loss of the export trade, as, in the event of a peace with America, the increased price of books will occasion a lessening of demand for them, and be an inducement for the printing them there: the effect of the drawback allowed by government, on exportation, will in almost every case be completely counteracted.

5. That from the great uncertainty of the sale of publications, all such calculations as Mr. Montagu has given of the ratio of tax on impressions of different numbers, are, and must be, altogether fallacious; such calculations being founded on the supposition of the entire sale of a book; which is so far from being the fact, that, according to some, not one in eight, according to others, not one,

in ten, and others, not one in twenty works are successful. Compare the number of works published, and select those which reach a second edition; what proportion do they bear to the whole?

Sixth, and last. That the enforcement of this tax will place the owners of literary property on a worse footing than any other body of commercial or trading men in His Majesty's dominions; or than the same class in all other kingdoms where literature is cultivated; and that it is diametrically opposite to the principles of the British Constitution, and to all precedents.

Under all these circumstances, it surely is not expecting too much of the Legislature, that it will confirm that construction of the Act of Ann, which a practice of 104 years, and two intermediate Acts, have constituted the law of the country. A plan of improvement on the present mode of entry, applicable to all cases, attended with little comparative expense, and of great *practical utility*, (to which he is very sure that the booksellers would have great pleasure in contributing) has suggested itself to the author, which may be worthy of consideration.

To require that the title of every book and pamphlet of every description should be entered in the register of the Stationers' Company; and that, at the time of making such entry, one copy thereof be deposited with the warehouse keeper.

That of such books so entered and delivered, all such as relate to Divinity, Ecclesiastical History, &c. be sent to the library of Sion College; such as relate to Law in every department, to the Library of Lincoln's Inn, or the Temple; such as treat of Medicine, Surgery, Botany, Mineralogy, and the various branches of Natural History and Philosophy, to the Library of the College of Physicians; and all such as do not come under any of these descriptions, to the British Museum.—To put each of these three first-mentioned libraries (with the consent of the bodies to which they belong) under new regulations, in order to render them accessible at all convenient times to the members of the several professions. Of the superior advantages to be derived from concen-

trating such libraries in *the metropolis*, in preference to dispersing them in distant and remote parts of the kingdom, it is presumed no one can entertain any doubt.

It is necessary to remark, that a subsequent Act of Parliament has required the printer of every work to retain one copy of it in his possession, to produce, if required: consequently, this, with the copy which the author has proposed should be delivered at the time of entry at Stationers' Hall, would make two copies, which are as many as are required in France.

The Author submits his views on the subject, to the members of the Committee and the Legislature, with the fullest conviction, that if there is any thing worthy of notice in this statement, it will not fail to meet with due attention. He is not conscious of having over-stated any fact, or given to any argument an undue weight: if he has made use of rather strong language in some parts, he trusts that it will be excused, as proceeding from that *esprit du corps* which all honorable minds must feel, more or less, and which he conceives is fairly called forth by the language of the advocates for the learned bodies claiming the right. Such as they have been, and it is hoped, such as they are, the booksellers have honored their country and themselves by the publication of works, which, with all the advantages of learned ease and affluence, the Universities have never been able (nor even attempted) to rival. The edition of Clarke's *Cassini*, published by Tonson; of Thuanus, by Buckley; and, in our own time, the editions of the Bible, Shakespeare, and Hume, will not soon be forgotten. It is melancholy to reflect, that the result of the publication of these three last works has proved, that in England, the larger and more extensive any literary undertaking, the more likely it is to be attended with great ultimate loss to the proprietor.

April 6, 1813.

Dramatic Emancipation,
OR
STRICTURES
ON THE STATE OF THE THEATRES,
AND THE CONSEQUENT
DEGENERATION OF THE DRAMA;
ON THE
PARTIALITY AND INJUSTICE OF THE LONDON
MANAGERS;
ON
MANY THEATRICAL REGULATIONS;
AND ON THE
REGULATIONS ON THE CONTINENT
FOR THE SECURITY
OF LITERARY AND DRAMATIC PROPERTY.
PARTICULARLY DESERVING THE ATTENTION
OF THE SUBSCRIBERS
For a Third Theatre.

BY JAMES LAWRENCE,

KNIGHT OF MALIA,

Author of the 'Empire of the Nans,' 'Englishman at
Verdun,' &c.

ORIGINAL.

1813.

DRAMATIC EMANCIPATION,

EVERY thing has improved within a century except the Drama, because every thing else is free. The Stage only is subject to a monopoly.—All the success of a Dramatist depends on the taste, caprice, indolence, avarice, or jealousy, of three individuals, the Managers of the three London Theatres; for in England a piece is never represented for the first time on a provincial stage; and *Douglas* is probably a solitary instance of a drama first performed at Edinburgh.

When a Dramatist has presented his production to the London Manager, it is perhaps totally neglected; for above 200 dramas are annually offered to each of the great Theatres; and consequently, if the piece be not recommended by the reputation or influence of the author, it is never read at all. When he calls again in all humility to inquire, whether it is judged fit for representation, he has perhaps the mortification of finding that his manuscript has been mislaid. Many a good author has renounced the Drama in disgust.

So long as the Theatres enjoy exclusive privileges, neither Comedians nor Dramatists should be managers:— Should a second Garrick give a specimen of his abilities to Kemble, or another *School for Scandal* be offered to Sheridan, would they be accepted? I wish not to insinuate that either circumstance has occurred; but they might occur; I speak in general; the jealousy of authors and actors is proverbial.

If the stage were free, a dramatist might follow the bent of his genius. He would introduce the characters that his judgment or fancy should prompt; and it would be the interest of the manager to procure performers qualified to do them justice. Whereas now the dramatist is reduced not only to consider the pretensions, the vanity, the abilities, of the actors and actresses, but their age and corpulency. He must take their measure as well as the stage tailor.

If the stage were free, every manager would endeavour to induce an author of talent to give him the preference; whereas now an author must go cap in hand to solicit the favor of a manager; and should he succeed in this, some actor or actress may think that the part destined for them would not exhibit them to advantage, and may refuse to co-operate. Few authors of rank, of liberal sentiment, or independent fortune, would enter a green-room cabal. Hence the degeneracy of our drama. Scenes of high life have been pourtrayed by individuals, who have had little intercourse with good company, and genteel comedy has given place to buffoonery and brogue.

Before 1737, though the Theatres were licensed, the dramas were not; but the personal and political satire introduced on the stage necessitated an Act, that every play should be licensed by the Lord Chamberlain. This Act,

reasonable and necessary as it may be, passed not without opposition, in which Lord Ghesterfield exerted all his eloquence. Let this Act continue in force; but this very measure supersedes the necessity of licensing the Theatre itself. An improper play should not be acted at all; but all Britons have an equal right to act a proper one.

An individual is not prohibited from setting up a cotton or woollen manufactory, lest it should hurt the interest of a manufactory already established; and yet the ruin of a number of industrious journeymen has greater claims on the attention of the legislature than that of a company of players.

What contradiction in the British jurisprudence! Actors are styled vagrants, and yet a greater solicitude is taken about their welfare than about any other class of people. It is illiberal to stigmatize them with opprobrious denominations; but leave them to shift for themselves.

All laws should consider the interest of the public, and not that of actors and managers; for however great one's passion for the Theatre, one must allow that we could do without it. Should tailors or shoemakers refuse to work from a disgust at any ordinance, we should be in a dilemma; but should our comedians adopt any other profession, however their secession might be regretted by amateurs, it would cause no loss to the state.

Why has the system of travelling improved so much within a century? Its being left to itself. We travel with comfort and expedition, because every innkeeper is licensed to let post horses, or to set up stage coaches. If the post here were on the same footing as in Germany, we should probably travel here as uncomfortably and slowly as there. Let any man open a Theatre to act licensed plays. Theatrical amusements might be made objects of taxation; for taxes

must be laid on something, and no more proper object could be found. In France they contribute also to the poor-rates of the parish the tenth part of the entrance money; every ticket is stamped; a five shilling ticket is rated sixpence. This is called *le droit de l'indigence*. The British government has been accused by its revilers of encouraging drunkenness for the benefit of the revenue. At any rate, it could incur no blame by encouraging dramatic amusements from motives of charity and finance; and rival managers would endeavour to procure the best performers, and render their Theatres as convenient as possible; as rival innkeepers endeavour to render their chaises comfortable, and to procure excellent horses.

But if the legislature should not judge proper to permit an indefinite number of Theatres, it would, though not entirely, terminate in part many of the present abuses, and render an essential service to the drama, by licensing more Theatres than at present.

It is the height of absurdity to pay any attention to the patents granted by Charles II. London is three times as large as it was in his reign; and if the population then could support two Theatres, it could at present support six. Suppose the hackney-coaches should require, that their number should be limited to what it was in Charles the Second's time. Let any one look at the map of London at that period. In his time, people resided more in the country. If the numbers that have increased the population of London had settled at York or Exeter, could Charles's patentees have objected to their having a Theatre? Poor Marybone is a posthumous child, unnamed in the will of his father.

London was then the capital of England alone; it has successively become the capital of Great Britain, and of the United Kingdom. Numbers, who would have filled

the Theatres of Edinburgh or Dublin, now contribute to compose the London audiences. Is it just, that the room that is insufficient for those for whom it was originally destined, should be engrossed by those who were considered aliens in Charles's time? Have not English actors also cause to complain, when Scotch and Irishmen are employed on these two Theatres? but not only actors but managers now are Irish and Scotchmen. No unprejudiced mind would wish to deprive us of the talents of Sheridan, or of the countrymen of Home. By no means. Let them enter into competition, but not to the exclusion of our own people. They are welcome to their share, but the number of the loaves and fishes must be increased. Has not the King of the United Kingdom the same right to grant patents that the King of England had? If any attention must be paid to Charles's patents, let a reasonable interpretation be given to them. Let no new Theatre be erected in those parts of the town that were built at that period. Charles could as little foresee the future grandeur of London, when he granted them, as when he gave a tax upon the London coals to a natural son.

All monopolies are against the natural and constitutional Rights of the People; but, nevertheless, should it be judged proper to indemnify these Patentees, let every Proprietor of a New Theatre assign to them, during a number of years, a certain portion of his profits. Though justice would not confirm their claims, liberality might take their case into consideration, as well as that of the Dukes of Richmond and Athol.

Patents of exclusion are only granted to the most useful and ingenious inventions for a term of years; and yet these Theatrical Patentees, without a shadow of merit, require that their monopoly should last for ever. The descendants of Shakspeare, if any are existing, would be prevented by

them from representing the productions of their ancestor ; nay, they would not suffer an author to perform his own drama.

Why refer to the Theatrical Regulations of Charles the Second, in whose time the drama was allowedly depraved ? Is not the drama more indebted to Elizabeth, who when the capital had not a quarter of its present extent, permitted seven principal Theatres ? Had London then been confined to two, and they been managed with so much partiality and injustice as our Theatres at present, Shakespeare would probably have been lost for ever.

Beside, a Patent can be forfeited for abuse. Whenever there is a proposal for erecting a New Theatre, the Patentees cry out against the injustice that they would suffer.—Have they themselves been guilty of no injustice ? The Sovereignty of the Isle of Man was taken from the Athol family, because it had favored a system of smuggling. Have not the Managers favored smuggling also ? Have not the kinsmen and protégés of Managers produced on the Stage, as their own labors, translations from languages, of which, if required in a Court of Justice, they would not be able to translate a sentence, and this at the expense of the real translator, who had labored to acquire the language ? Is not literary property sacred, or is it more pardonable to smuggle works of genius than spirituous liquors ?

What further proof can be required, that two Theatres are not sufficient, than that these two are always full, though the same pieces are performed thirty successive nights.—Should a spectator have returned a third time to see the same piece, he, however fond of the drama, must have recourse to some other amusement the other twenty-seven nights, and wait with patience, till every school-boy, boarding-school miss, and apprentice, have seen the rare-show. A family from the country, that comes to spend a month in

town, might find *Cinderella* performed every night at one house, and *Blue-Beard* at the other. What judgment would a foreigner, who came to pass a winter in London, form of our dramatic taste?

Even if pieces of transcendent merit were to be acted on both thirty times running, the lover of the drama, after paying a tribute to their excellence, would regret being confined to two Theatres.

What inducement has the Manager to engage good actors, and perform good plays, when the house will be sufficiently full with any actors and any plays? The number of theatres ought to be so far in proportion to the population, that every house should remain empty by a bad representation; moderately full for an indifferent one; full for a good one; but never overflowing, except for a performance of transcendent merit.

Every tradesman expects that some wares should remain on his hands; and what inducement would a manufacturer have, should he be as certain to sell bad articles as good ones? The Managers at Paris are content, when two-thirds of their houses are full: and yet their profits enable them to support their rank in life, and to make a creditable appearance. It is not necessary that they should be *Grands Seigneurs*. The question is simple: is the Public to depend on the Manager, or the Manager on the Public?

A Parisian enjoys the theatres in comfort. They are, except on extraordinary occasions, seldom too full to admit of a spectator's arriving as late as he pleases, of his sitting at his ease, or his changing his place to join an acquaintance in a distant box. Whereas in London, an individual, who is so fortunate as to have found a place, is obliged, at the risk of his health, to retain it, lest he should be unable to find another. Add to this, seldom a night passes without rough words, sometimes blows exchanged, from the scarcity of

seats. Many a duel has had the same source. The man, who opens the box at Paris, would be as surprised, should a stranger tip him a shilling, as a journeyman in a shop would be at receiving one from a customer.

In London, an individual, having walked two or three miles, or paid his hackney-coach, (for in these times many a gentleman of quality is less able to keep his carriage, not only than a Manager, but a Boxkeeper) arrives at the theatre, and is informed that the house is full, if he has not the good fortune to be admitted into the fifth tier of boxes, where, perhaps, he may see *Timour's* horses wag their tails; but, as to hearing, he might as well expect to hear a sermon in the whispering-gallery in St. Paul's.

The Patentees allege, that they have built houses sufficiently large to contain the public; but if it may be allowed to illustrate the profane by the sacred, now that the population of Marybone is so increased that one church will not contain the parishioners, no one proposes to build a cathedral so large, that one-half of the congregation could not hear the discourse. No; it is proposed to build several churches for the convenience of all. It may be defined at what distance the human voice may be heard with ease, and without any extraordinary exertion of the actor. In the cathedral-theatres, should the actor speak in a natural tone, he would not be heard by half the audience: should he bawl, he would distort his countenance; and often the effect that Garrick produced was attributed to his gestures, as well as to his utterance.

If the patent houses should be deserted in consequence of the erection of new Theatres, the Managers would have no right to complain, provided their audience amounted to the number that would have filled their original houses. If the Patentees have doubled the size of their Theatres, they must consent to their remaining half empty. If a man had

received a patent to set up between London and Bath a stage-coach, which usually carries six inside passengers, and is drawn by four horses, should his patent exclude others from setting up other coaches as the increase of the two cities might require? Would any attention be paid to the Patentee, should he offer to build a machine capable of conveying forty passengers, and drawn by forty horses? The patent had been originally given under the supposition that the road would only support one stage-coach.

In Paris, Vienna, and Berlin, there are a set of amateurs, called *abonnés* or *habitués*, who have silver tickets and whose constant attendance qualifies them as critics. On their decision depends the success of a new piece, and they have preserved the sacred fire from the days of Corneille and Racine. But who are the constant attenders at the London theatres (if attenders they can be called who pay no attention at all)? the Cyprian corps and their admirers; who come reeling from the tavern to return to the bagnio. These are the manager's friends and patrons, who support him through thick and thin, and enable him to insult the taste and understanding of the public with horses and elephants. To them it is indifferent whatever is performed, a tragedy, or a harlequinade, an oratorio, or a farce. Thus while the *habitués* in France have preserved the purity of the drama, the *playgoers* in England have corrupted it.

Nor has the manager been ungrateful to his patrons and patronesses, for he has accommodated his friends in the lobby with sofas, at the same time that the audience in the boxes and pit are seated like schoolboys on benches. Thus it is clear that in enlarging the house he would not sacrifice any emolument to the comfort of the public. In the houses on the continent, the boxes are provided with chairs, and the seats in the pit divided into arm-seats, so that every spectator has a space allotted to him without the

possibility of being crowded. Were the drama emancipated, every house would vie with its neighbour in comforts.

It is alleged, that two great theatres are sufficient, because the English have not so much taste for the drama, as the French. In the reign of Elizabeth, the passion for the theatre was so excessive that the royal Bearward complained to the Queen, that the people took more delight in stage-playing than in bearbaiting: but when one reflects the distance of the playhouses, the uncertainty of finding a place; the possibility of being pushed and squeezed; nay, of being mobbed by some prostitute, or insulted by some bully, is it surprising that so many prefer clubs and gaming-houses to dramatic amusements, attended with so much inconvenience. Beside, the coach-hire, which from remote parts of the town is considerable, should be added to the entrance-money.

Behold an additional proof, that two great theatres are not sufficient. The Box-keepers in all the other capitals are mere servants, who descend cap in hand to a carriage to receive the orders of any person wishing to engage a box, whereas in London the place of boxkeeper is a post of emolument, and the Dramatic Mirror, that informs us, that the Right Hon. R. B. Sheridan has assigned his property in Drury Lane to Mr. Thomas Sheridan, a gentleman of very brilliant talents, and who is highly esteemed by all ranks of people, assures us in the same page, that the boxkeeper of the said theatre, "is a very obliging gentleman, who is much respected by some of the most distinguished characters in this country for his moral demeanour, talents, and integrity." This officer is without doubt, deserving of these encomiums; but if the stage were free, the post would be beneath the acceptance of such a character. Boxkeepers receive christmas-boxes, presents of game, wine, rum, &c. and, to the astonishment of

foreigners, people talk of having interest at the box-office.

In the *Morning Chronicle* February 29, 1812, we find the following list of the present theatres of London, inserted there by one of the Drury-lane speculators, to mislead the public.

	Spectators.
1. Covent Garden, capable of containing	3000
2. Drury Lane	2800
3. Opera	3500
4. Pantheon	3000
5. Little Theatre, Haymarket	1800
6. Lyceum	2000
7. Surrey	2500
8. Astley's Olympic Pavilion	1500
9. Astley's Amphitheatre	2500
10. Sadler's Wells	2200
11. Sanspareil, Strand	1500
12. Regency, Tottenham Court Road . .	1600
13. Royalty Theatre	1600
	<hr/>
	29,500

"Thus," adds this respectable partizan of the second, and opposer of a third, theatre speculation, "we have thirteen theatres in this undramatical town, capable of containing near thirty thousand spectators."

By the like barefaced assertions of interested individuals, our good people are duped. Honest John Bull reads the sum total, and exclaims that there are theatres in plenty! But was this speculator ignorant that the Lyceum is a temporary substitute for Drury Lane, and that the summer theatres only open when the winter theatres close, and that the two Italian houses only open twice in the week? He, however, has inspired me with the following argument. If the two great theatres have always been sufficiently full on the Opera nights, full for the convenience of the public;

though not, perhaps, for the avarice of the managers, a third great theatre should be opened at least four nights in the week.

Should the second Italian Opera not succeed, let not its failure be used as an argument against a greater number of English theatres. People go to the Opera because it is the fashion to see and to be seen there; and two operas must divide, instead of uniting, the first circles. But the spectators frequent the playhouse to see the drama; and provided his neighbours behave with propriety, the man of the first quality is content to sit *entre Paul et Pierre*. Though the second Italian Opera has little prospect of success, government acted wisely in permitting the attempt; and the competition has already brought back the people of the Haymarket to a sense of their duty. May we never hope to see the English drama at the Pantheon? Might it not be opened for the inhabitants of Marylebone at nine o'clock, and give one comedy or tragedy only? Three hours' attendance would suffice for moderate amateurs. There are probably even now theatres enough open, if they were all permitted to act rational plays. But it is absurd and equivocal to cite their number to the classical amateur, while the minor theatres are confined to burlettas, tumblers, and dancing dogs.

In 1747, regular dramas were permitted to be performed at the playhouse in Goodman's fields, notwithstanding the patents of the two great theatres, and to the existence of this third theatre the public owed Garrick. Having received some slights from the managers of Drury lane and Covent Garden, he determined to try his theatrical abilities in Goodman's fields. He first appeared as Richard the third; his reputation was immediately established, and during the season that he performed there, all the fashionables, critics, connoisseurs, and amateurs, crowded a theatre which had been frequented only by the inhabitants of the city,

In 1787, John Palmer was threatened by Messrs. Harris, Linley, and Colman, with a prosecution, should he act regular dramas on his newly erected Royalty theatre; and even when it was open for musical and pantomimical performances, an information was laid against Delpini for only crying out "Roast Beef," while acting the part of clown. Thus had another Garrick appeared forty years later, he would not have found the same resource in Goodman's fields, and his talents might have been buried for ever in obscurity.

It is an undecided point, whether theatres improve the morality of a nation; the legislator, however, may be content if they contribute not to deprave it: but it is decided, that good plays might improve the national taste. Why, therefore, when a number of minor theatres are opened, are they prevented from acting the legitimate productions of the best dramatists? Is the legislature afraid of improving the taste of the people? The Surry theatre has, in the opinion of many judges, just the dimensions that a theatre ought to have; and even that of Tottenham Court Road, and the Sans souci must be magnificent edifices compared to those, on which Shakespeare's works were first performed. But in order to favor the monopolists, the minor theatres are confined to melo-dramas. All unjust regulations will be evaded. Even the lower classes of people have too much taste to relish the farrago of nonsense, to which the liberality of Mr. Harris and colleagues would confine them. Some plays of a higher order have been brought forward at the minor theatres; but at the end of a few sentences the harpsichord is sounded, to the surprise of the stranger, who perhaps conceives that the instrument has been touched by accident; and this manoeuvre is practised, that the piece may come under the denomination of a melo-drama. While the managers of the

great theatres bring forward their surreptitious translations to the detriment of the living translator, the Regency Theatre can only bring forward Rowe's Jane Shore by equivocation.

These little theatres are more adapted to the representation of many regular dramas, particularly of the *pieces bourgeoises*, than the cathedral theatre of Covent Garden; and as the manager there has shown such a predilection for the Brute Creation, the public would not lose, were he to exchange patents with Astley, whose rights, by the bye, he seems to have infringed. Let the works of Rowe and Otway, Farquhar and Goldsmith, be performed at the Royal Circus, and horses and elephants keep possession of Covent Garden: the size of both theatres recommends the exchange. Has the proprietor of Sadler's wells no spirit of speculation? May we not expect to see the gambols of a whale at his aquatic theatre?

The moralists, who judge that more theatres for the regular drama would be productive of vice, consent that the minor theatres should exhibit burlettas, rope-dancers, and dancing dogs; as if the young apprentice would be less affected by the allurements of a courtesan, during the feats of a tumbler, than during the performance of George Barnwell.

Beside, though the lobby of each of the great theatres is a focus of vice; youth and inexperience, who cannot have thrown aside a sense of decency, are less exposed to temptation there, than in their walk home to a distant quarter of the metropolis. Could every inhabitant here, as at Paris, find a theatre in his own district, the danger of seduction would be of shorter duration.

Large cities are supposed to favor corruption: may not the same thing be said of large theatres? a number of small ones would be less productive of immorality, than

two large ones. Immorality might be effectually banished from the stage by the necessity of a license for the performance; an essential, which it is by no means proposed to abolish; but the immorality is among the audience in the boxes and lobbies, and when the play-going Cyprians are separated into but two divisions, their numbers render each so formidable, that they set all decency at defiance, and every modest woman is exposed to their insults. Were there more theatres, the courtezans would every where appear in a smaller number, and would not longer be allowed the same liberties.

The late cry against the immorality of the private boxes, was absurd in the extreme. Is any immorality or impropriety supposed to take place at the Opera? but though not in point of morality, the discontent of the public was not unfounded. If any one might open a theatre, he might make any arrangement, or ask any price that he thought proper, and the discontented might remain away; but while the stage is a monopoly, the manager has no right to exclude the audience from their usual places; and if the parliament or Chamberlain limit the number of the theatres, the parliament or Chamberlain should fix the prices also. If the patentees insist that the number of theatres should not rise with the population, the public may (and with equal reason) insist that the prices should not rise with the value of things.

May I be allowed the following digressions?—In the principal theatres on the continent, the pit is divided into two, *parquet* and *parterre*. The first, which is nearest the orchestra and consists of about a third of the whole pit, is furnished with rows of arm-chairs. Here the spectator pays the box-price; and consequently the *parquet* is equally respectable with the boxes, and it is just, that the spectator, who is placed to the greatest advantage, should pay

the highest price. The *parquet* is the usual place of the critics, and frequented by amateurs of the first quality. Should an arrangement of this kind be attempted in the present state of the theatres, it would be violently opposed by the usual frequenters of the pit; but should the drama ever be emancipated, it might be adopted to the great advantage of the art. But perhaps the managers even now might reconcile the public to the measure, by opening the back-front-boxes for the pit-price. It is reasonable that the best places should be dearer than the worst.

On the court theatre at Vienna, five German plays and two Italian operas are performed every week. Might not English plays and Italian operas both be performed at the same house? The chief additional expense would be a room in the neighbourhood for the dancers to practise, while the stage was engaged by the English rehearsals; and the subscribers might engage their boxes either for the English or for the Italian nights, or for both.

Should it be proposed to emancipate the drama entirely, or even to increase the number of theatres, the shareholders of Drury-Lane and Covent-Garden would probably protest. Thus a number of speculators, without any dramatic taste or propensity, having laid out so many hundred pounds in this speculation, because no copper mine, canal, no tunnel, offered more advantageous terms; their influence will be exerted to perpetuate a monopoly, which is not only unjust and unconstitutional, but is humiliating to genius, oppressive to the literature, and consequently derogatory to the honor, of the nation.

When Lord Ossulston, in 1812, begged leave to bring in a bill for the erection of a third theatre, Sheridan had solicited the opposition of his friends; and so happily is John Bull represented, that when self-interest induces them not to betray his advantage, his representatives sacrifice his

comforts to private friendship. How could these senators have the ill-nature to refuse to a boon companion, whose wit and gaiety had so oft enlivened their convivial hours, a request which would only cramp the literature and taste of a nation, and incommode a million of inhabitants? It is singular, that Sheridan, who had produced the best drama, should have proved the chief obstacle to our dramatic improvement; and that the shade of Charles the Second, who, during his life, diffused gaiety and pleasure through his little capital, should so long after his death spread a gloom through this immense metropolis.

And who was on this occasion the chief supporter of this odious monopoly? Mr. Whitbread, the great advocate for reform, perpetually aiming at the hydra heads of abuse, and proposing to cleanse the Augean stables of corruption. The patentees of Drury Lane had had the wit to choose him for their chief. The direction of a theatre was a sop for Cerberus: he, who, if one may conclude from the usual tenor of his conduct, would have been their antagonist, took up the cudgel in their favor, and maintained that if any one might open a theatre, we should be overrun by bad actors, and be in danger of being jostled by Hamlets in the street!!!

Was the understanding of a senate ever insulted by such arguments? Would Mr. Whitbread have ventured to convene the publicans of the metropolis, and propose to them that in order to improve the quality of beer, he and any other of his colleagues should have the exclusive privilege of selling it? No; Mr. Whitbread has too just an opinion of the good sense of his customers, whose interest he was promoting, even in this opposition to the general wishes of the public. Were a variety of theatres to be established, it would be a death blow to the neighbouring ale-houses. We should be in less danger of being jostled by

drunkards in the street. The measure was negatived by a very small majority. What could all the waters of Castalia avail against the united influence of beer and wine?

But since this parliamentary triumph, the patentees have trespassed still farther on the patience of the public. In summer, only one theatre is usually opened for the regular drama; yet because three individuals, the managers of the Haymarket, were at variance, the capital of three kingdoms was, during several months in 1813, deprived of one of the most liberal amusements of civilised society. One would have imagined, that in consideration of this unjustifiable privation, a little common sense would have induced the other monopolists rather to overlook any infringement on their privileges, than to offer the question to public discussion. Far from it. Though the only theatre authorised to act tragedy and comedy, neglected to take advantage of this license, the performers of a musical theatre have ventured to appear in the odious character of informers, against the manager of the Pantheon for performing something rational; thus endeavouring to confine individuals to their own operas and burlettas, whether fond of music or not.

The Lord Chamberlain, without any impropriety, might prosecute a set of actors for the contempt of his authority; but actors or managers who eat the bread of the public, after having presumed to come forward to prosecute their brethren for endeavouring to amuse their patrons, would never appear again as candidates for public favor, were they not inclined by the long duration of the abuse, to consider themselves the masters rather than the servants of the public. What a contrast between the private feelings of a manager, and the humble address, spoken in his name, at the opening and close of every season! In his speech, he professes his gratitude to his worthy masters, exalts

their tastes, flatters their humors, and solicits the continuance of their patronage, while he is laughing in his sleeve, and saying to himself, "If you like not the dishes that I lay before you, pray remain at home; there are people enough to fill your places, but if any one else presume to cater for you, I will send him to jail."

A set of speculators build a theatre, a speculator undertakes to manage it, a musical contractor binds himself to produce whatever songs, pantomimes, local pieces, &c. may be required of him, and dramatic marauders poach for them. Such is the state of the drama, in the country of Shakespeare.

The discouragement, which some distinguished authors have received from managers, has been sufficient to disgust them of writing for the stage, but this discouragement might be attributed to want of taste and of judgment, so well as to jealousy or any sinister motive. Their conduct towards translators is still more reprehensible.

On the list of modern plays, scarce a translation from the German will be found, but in the name of a friend or kinsman of a manager, or of a manager himself, scarce any of whom understand a word of German.

Nothing can be so easy as to produce the translation of a translation: by changing "blue skies," into "azure heavens," "billows" into "waves," "fogs" into "mists," "houses" into "dwellings," &c. &c. or *vice versa*, one may appropriate to one's self, works of one's predecessor, and by the help of one's mother tongue produce a translation from any language whatever.

But, for brevity's sake, I shall only state the usage, which I myself have received from the Manager of Covent Garden, though mine is not a solitary case. Many other translators have equal reason to complain.

Having resided some time in Germany, I conceived that

the works of Kotzebue; whose name was then (1796) unknown in England, would succeed on the London stage. I therefore, having finished a translation of the *Virgin of the Sun*, sent it over to my friends, in England, who communicated it to the Manager of Covent Garden. After some time the managers returned the usual answer, that it would not succeed in representation.

Meanwhile the *Stranger* was acted; Kotzebue had become the favorite of the English Stage, and different writers began translating his works; but in hopes that one of the managers might be induced to accept my translation, I deferred its publication, till Miss Plumptre, ignorant that a translation of the *Virgin of the Sun* was already in being, having translated it, advertised her's. My manuscript was then committed to the press; but notwithstanding the diligence of my printer, she got the start of me by a few days. Both translations, however, were tolerably successful, and both received the approbation of the Reviews of that year (1799.).

Had I, when my translation was first rejected by the manager, endeavoured to have it performed on one of the minor theatres, Mr. Harris would, probably, have prosecuted the performers with so little mercy, as he had shown to Delpini, for crying out "roast beef." No—the *Virgin of the Sun*, when rejected as unfit for representation, was, without doubt, marked down in the tablets of the manager as a fit object for a future *operation*.

At length, after an interval of twelve years, Mr. Harris thinks that an operation might be undertaken without a too flagrant manifestation of injustice, and Mr. Reynolds at his repeated desire undertakes to execute it.

If Mr. Harris had altered his opinion of the *Virgin of the Sun*, why was not Miss Plumptre or myself invited to bring it forward? No—In that case, we should have been

intitled to the author's profits ; and it was his intention to serve a friend ; or possibly he might make a better bargain with an author less intitled to the production.

Mr. Reynolds carefully informs the public, that his piece is chiefly taken from the *Incas* of Marmontel, but he cannot deny that it consists of Kotzebue's piece of five acts cut down into three, and that of these three acts more than two-thirds are taken from Miss Plumptre's translation ; sometimes verbally for pages together, sometimes the ideas being transplanted from one scene to another.

Perhaps I may be told that this is Miss Plumptre's affair, and not mine ; But even if the manager had accepted her translation avowedly, and in her name, yet my translation having been offered to him first, I might have complained of his partiality. Private persons may act capriciously, and indulge in the prepossessions of friendship, but so long as the managers have a monopoly, individuals are intitled to the same impartiality from them, as from a judge, justice, or any other official character.

During my residence in Germany, I communicated my translation to Kotzebue, who approved of it, and the English reviewers of 1799, judged favorably of it, and had the manager at length conceived it more likely to succeed in three acts, he should have left it to my option to abridge it.

Mr. Reynolds may allege, that some passages in the original would not be tolerated on the English stage. This is possible, but these passages occur very rarely, and can the drawing of a pen here and there across a production, make it his property ? The farrier cannot claim a horse, because he has cropped and docked it.

I wish not to detract from the merit of Mr. Reynolds : I have read and seen several of his productions with pleasure ; and I have also seen a translation of his *Notoriety*

performed at Vienna with general applause, and it may give him pleasure to hear, that no one attempted to rob him of his laurels; his name stood on the play bill. What could have induced Mr. Reynolds to be less candid toward Kotzebue? What, but his allowed ignorance of the German language? he could not pass for the translator, and, consequently, without attempting to improve it he was obliged to alter it. The gypsy stains the features of the child, not to improve its beauty, but to pass it as her own. Why has he not given it a new title also? It is a pity, that he had intitled one of his former pieces "Speculation:" what title could have been more suitable to this?

Would any one consult Kotzebue, he would regret several of the finest harangues and episodes, omitted in the new Operatic Drama; particularly the episode, in which the High Priest acknowledges Rolla as his son; which is considered the most affecting scene in the whole, and would have afforded a pleasure, which no carpentry, no thunder and lightning, could create. But how could these beauties be introduced in a drama professedly derived from Marmontel? no: passages of inferior merit have been substituted, and new scenes introduced, without any tendency to the catastrophe. The Peruvians are marched and countermarched; some harlequin entertainment has possibly supplied a practical joke for the nuns in the convent-garden; and instead of the quaint observations of Kotzebue's Diego, which, however insignificant, are national and expressive of the superstition and prejudices of the Spanish character, jokes and jests have been put into the mouth of Liston, which are characteristic of no nation whatever. Mr. Reynolds was obliged to let off half of the wine; but could an author, who so often has contributed to the entertainment of the public, only fill up the barrel with water? Kotzebue in his natural vigor required no foreign

aid ; the new *Virgin of the Sun* owes half its success to the scene-painter. Well may it be called an *operative* drama, if that signifies a drama that has undergone an operation. Diego knew not his master in the wilderness. Kotzebue would not recollect his own daughter till the first thunder of applause (for every passage that has been applauded is derived from him) would recal her to his memory, and he then might exclaim :

In this new play, are new and good things too,
But nought that's new is good, and nought that's good is new.

Mr. Reynolds maintains, that the *Virgin of the Sun*, having been a certain number of years in print, the manager has a right to bring it on the stage. It is possible that after a certain period, any one may reprint a work ; but no conscientious bookseller will reprint the work of an author, while he is willing to give a new edition himself. But this case is a very different thing. Is a manager to refuse to bring forward a drama, and to prevent its being brought forward elsewhere, and then after the expiration of a number of years to accept it from one of his intimate friends, in order to permit him to reap the profits ? This can neither be the intention of the legislature, nor of the Lord-Chamberlain. Perhaps a speculation of this kind has induced the managers to defer the representation of Miss Baillie's dramas. The spider waits in patience, till the fly falls into his web.

But not content with having snatched from the real translators the rewards to which they were intitled from the theatre, Mr. Reynolds proceeds to publish his *Virgin of the Sun* ; which being provided with the assurance, "performed with universal applause at Covent Garden," effectually prevents the success of the original translations.

A dramatist in other countries is more fortunate. A

German may offer his play successively to the different theatres of Vienna, Prague, Berlin, Weimar, Dresden, Hanover, &c. and if rejected at one, it may try its fortune elsewhere. A drama, after having been refused with disdain in the natal city of the author, has frequently received universal applause on a distant theatre; and the manager at home has been obliged by the voice of the public to pay an advanced price for that piece, which he would not accept gratis. A German dramatist receives contributions from the different towns where his productions are performed.

In France also a dramatist is intitled to a certain share in the profits of every representation of his plays on every stage in the republic, and this emolument he not only enjoys during his life, but his heirs during a certain number of years after his death. These contributions he collects without difficulty, for every manager is enjoined to depose in the hands of the magistrate the share of the author, who has no farther trouble than to look in the dramatic almanac how often his works have been performed in every town, and to empower some one to receive his dues. Thus he enjoys not only a lucrative, but an honorable existence: he need not dance attendance on any manager, he is even dispensed from offering his plays to any theatre; he only need publish them, and should any manager think proper to perform them, the author receives his quota.

Kotzebue, who inherited no patrimony, travels about the continent with a suite of horses and servants; but he reaps the fruits of his talents from every theatre between Stutgard and Miteau, between Hamburg and Vienna; and Picard at Paris receives his *droits d'auteur* from Brussels and Marseilles.

The author of the *Rovers*, in the *Antijacobin* 1798, has ridiculed the minuteness, with which a German dramatist

prescribes the costume and decorations for his plays. This minuteness, however, is not superfluous. He frequently resides in a remote province, and therefore suggests any thought that may strike him, and is thus dispensed from a long journey to officiate at a toilet, or to attend at a rehearsal.

Great has been the outcry against the immorality of the German stage: but the Theatre of a nation must be the mirror of its usages. On the continent a woman never makes a figure in company till after her marriage; then the activity of her life commences, and she repays herself for the days of insignificance passed in the admiration of her mother's conquests. In England, on the contrary, a girl having got a husband, has fulfilled the great purpose of her existence, and reposes on her laurels. I will not here discuss the advantages or disadvantages of either system. I have sufficiently developed them in my Utopian Romance, the Empire of the Nairs; but we must not wonder that gallantry, jealousy, and marriage scenes are the usual subjects of the German Theatre, as the married women who give the ton in German society, would vote a Miss in her teens insipid as a heroine.

It may astonish the good people of this country to hear, that the outcry in Germany is not less violent against the immorality of the British Theatre. Nothing but runaway marriages, and heiresses flinging themselves into the arms of adventurers. Such misdemeanours are unknown in the Holy Empire; so that if an English husband is unwilling to take his better half to see *Notzebue's Stranger*, a German mother is equally averse to her daughter's seeing their translations from the English.

Nor is this the only accusation against our drama. So little have we imbibed the Spartan principle of Respect to Old Age, that the ultimate prospect of every individual

here is to become the laughing-stock of his juniors. Old square-toes is always fair game; and as if age were an outlaw from the court of chivalry, an old maid, notwithstanding all Mr. Hayley has essayed in her favor, is invariably exposed to the derision of her nieces.

To the honor of German taste, there is in the whole Empire only one theatre for Pantomime; and that in one of the suburbs at Vienna; neither the holiday children in the boxes, nor the grown children in the gallery, come to the court theatre of that capital, to take lessons of politeness by seeing Harlequin give the clown a box on the ear, or Pantaloon get a fall, from his chair being drawn from behind him. But to return to our main object.

Why should not an English dramatist receive his share in the profits, whenever his plays are performed on a country stage, as well as an author receives the profits of his works sold in the country? A dramatist may be in distress, while his productions are enriching the managers at Edinburgh, Dublin, or Bath. Though his receipts from any town might be trifling, yet these trifles collected in every quarter would amount to a respectable sum, and if it enabled not a dramatist to vie in fortune with a manager, it would put him on a footing with a boxkeeper. This consideration I would recommend to the benevolent exertions of the Literary Fund.

The French may with reason call us a nation of shopkeepers, if all property is sacred here except *literary* property.

Let me conclude with proposing, that if the other measures recommended in this pamphlet be deemed unworthy of adoption, that an author, if the two great theatres refuse to accept his production, may, after submitting it to the Lord Chamberlain's inspection, have it acted by other players, who are willing to perform it.

A
SECOND LETTER

TO THE
REV. HERBERT MARSH, D.D.F.R.S.
Margaret Professor of Divinity in the University of Cambridge;

CONFIRMING THE OPINION
THAT
THE VITAL PRINCIPLE

OF THE REFORMATION
HAS BEEN LATELY CONCEDED BY HIM

TO THE
CHURCH OF ROME.

BY THE REV. PETER GANDOLPHY;
Priest of the Catholic Church.

1813.

A LETTER, &c.

REV. SIR,

THE polite answer you have published to the CONGRATULATORY LETTER I had the honor of addressing to you, on the subject of your INQUIRY, calls upon me to acknowledge that every line therein exhibits evidence of having been inscribed by the pen of the scholar and the gentleman. I feel moreover rather *compelled* again to intrude myself upon your attention, because you appear completely to have mistaken the circumstance that occasioned my CONGRATULATORY LETTER to you, and I should be extremely sorry were it believed, that I had imputed to you any sentiment which your own language does not convey to the reader. You seem to think that I was referring to a defence of religion against Dissenters, when I extolled the good sense of those arguments urged by you, in favor of a distribution of the Liturgy.—By no means.—Your SERMON at ST. PAUL'S, your INQUIRY, your LETTER TO MR. VANSITTART, all clearly proved to me, that you were reasoning with Protestants of the Established Church, and laboring to convince them, that if they sincerely wished their children to profess the same religion as themselves, if they were desirous of imparting to the rising generation the doctrines of the Church of England, as they had been received from the Reformers, they must accompany the distribution of the Bible, with the distribution of the Liturgy. You

asserted in your INQUIRY, (No. I. p. 113.) that such were the very principles of "*your Reformers*;"—"those Priests who composed the Liturgy and Articles;"—that by "this *clue*, their disciples would be led in safety through dark and intricate passages, where many a pilgrim had lost his way" *without it*. You stated (No. I. p. 100.) that the POOR OF THE ESTABLISHMENT, could not be preserved in the religion of their fathers, if they were not provided with this "*safe-guard* against the delusions of *false interpretations*."—You also say (No. I. p. 104.) that the BOOK OF COMMON PRAYER is necessary to prevent "the *Poor of the Establishment*," from being seduced from the religion of the Established Church, although they have *the Bible* as a safeguard.

I am truly sorry then to perceive that you have so completely mistaken the circumstance that induced me to address to you the CONGRATULATORY LETTER.—Nothing was ever more foreign from my thoughts, than to compliment you, for appealing to an authority, whilst arguing with the Dissenter, which the Dissenter does not admit.—I should first endeavour to convince him of the necessity of admitting that authority;—which was my real motive for inscribing to you THE SERMON ON THE INADEQUACY OF THE BIBLE TO BE AN EXCLUSIVE RULE OF FAITH.—For admit but the principle of *authority*, and you must either be a Catholic, or what you have defined a *Generalized Protestant*.—Thus Catholics in contending against Dissenters never appeal to tradition, but to *the Bible only*, because *the Bible only* is the rule of faith for the Dissenters. But if the Dissenters appeal *from* or *over* the Bible to *Luther* or to *Calvin*, then I conceive the Catholic is also justified in appealing to authorities not less respected by *him*. On this account, when I observe that you so strongly urged the necessary distribution of the Liturgy with the Bible, to the MEMBERS OF THE ESTABLISHMENT, I insisted that as *your* principle was *ours*, so had I a right to look forward to the happiest result; viz. THE FULL ACKNOWLEDGMENT OF THE SOUNDNESS OF OUR CATHOLIC PRINCIPLE. For principles are as efficient in establishing other principles, as causes in generating effects. Fairly then did I conclude, that by insisting on the necessity of "this *clue*, which would lead the members of the Establishment in safety," (No. I. p. 113.) you were fast approxi-

inating to our principle of TRADITION, if not directly advocating that point of Catholic doctrine.

To this conclusion, however, you now say, you had no intention of proceeding—but, Sir, as you well know, principles will carry us along with them in spite of ourselves : and a good logician sees no other alternative than to renounce the principle, or follow it through its long train of consequences. You must, therefore, either admit that the “*poor of the Establishment*” do not require the *Common Prayer Book*, to keep them in the religion of their fathers, and secure them against ‘the delusions of *false interpretations*,’ whilst they have the Bible, or acknowledge that *another* evidence, another authority or *clue* is necessary, and that is, what is styled in the Catholic Church TRADITION ; the WORD, unwritten in the Scriptures. Else whence do you make a distinction of orders in the hierarchy of your Church? Else how do you justify the practice of baptizing infants who have no actual faith? Else how do you dispense with the obligation of *washing one another’s feet*? Else why do you keep holy the first day of the week instead of the Sabbath day? Else why do you ever venture to eat blood or strangled meats? Else how do you justify in a minister of Christ, the possession of *gold and silver*, and rich livings? Else how do you justify the tendering and taking of oaths? In all these points the Bible is either against your practice or silent. Have you then presumed to add to the text, or have you admitted Tradition, as “*a CLUE to lead the members of the Establishment in safety*?”

But you express a serious complaint against me for placing between inverted commas a proposition not to be found in your works, viz. “true religion cannot be found by the Bible *alone*,” and saying that it is a principle for which you contend. It was far from my intention, Sir, to impute to you a sentiment which either you had not written, or was not a direct inference from your principles. You are not unacquainted with the universal principle in logic, *que sunt eadem uni tertio, sunt eadem inter se* : and therefore I did conceive, that I had ascribed to you no more than yourself had contended for, in different words only ; and I cannot therefore believe, that I have imposed upon my readers, nay I still maintain it to be your principle that, “true religion cannot

be found by the Bible *alone*." For you affirm that the religion of the Church of England is the most correct system,—the correct system of religion, (Inquiry, No. I. p. 107. Sermon. p. 77.) the true system of religion, (No. I. p. 100.) but that those who have the Bible *alone*, cannot find it, (Inquiry, No. I. pp. 100, 104, 107, 124.) therefore this *most correct*, this *correct*, this *true* system cannot be found by the Bible *alone*—therefore, "TRUE RELIGION CANNOT BE FOUND BY THE BIBLE ALONE." Indeed if the religion of the Church of England be *true*, and if you believe that it can be found by the Bible *alone*, I cannot conceive what is the real object of your writings on this subject: you speak throughout of the necessity of accompanying the Bible with the Prayer Book,—you speak of the Bible *alone* leading to abstract or generalized Protestantism (Note, No. I. p. 119.)—in short, if expressions are sentiments, and if a true syllogistic conclusion is always *identifiable* with the premises, I still conceive that I did not deviate from the truth, when I affirmed that a Margaret Professor was contending for this principle that "true religion cannot be found by the Bible *alone*." For you even acknowledge in the plainest language, that men may therein seek in vain for the essentials of Christianity;—"that even in the essentials of Christianity very different conclusions have been drawn from the BIBLE, and by men of whom it would be very unjust to say that they had not studied it *devoutly*." (Note, No. I. p. 125.)

After what you have already said, I still apprehend that you will deny the justness of my position—you will distinguish between the *fact* of finding the true religion of the Church of England by the Bible *alone*, and the *possibility*—but surely, Sir, this would amount to a mere quibble of distinction—for what is only morally possible, may be in a variety of circumstances morally impossible, and is *absolutely improbable*. For it must be dependent upon such an extraordinary coincidence of contingents, that no prudent and sensible man would be justified in calculating upon it. We are therefore authorized to say, that what is only morally possible to some persons, is to many others morally impossible. Consequently, if you mean to infer that it is morally possible to find the religion of the Church of England by the Bible *alone*, you equally negative the proposition, and assert the moral impossibility.—To sum up this argument in a very few words, I acknowledge I was

unintentionally incorrect, in placing the words "true religion cannot be found by the Bible alone" between inverted commas; which denoted them to be your precise expression; and for that I most readily make you an apology. But I cannot persuade myself to admit that there was any want of correctness as to the sense of those words: because you declare, that in your belief the *true* religion and the *established* religion of this country are the same. Now you content that the established religion cannot be found by the Bible *alone*. The conclusion therefore is, if ever conclusion was fully evident, that TRUE RELIGION CANNOT BE FOUND BY THE BIBLE ALONE.

However, although I complimented you, in my first Letter, on the manly manner in which you had surrendered this vital principle of Protestantism, I observe that you are still wavering between the right and the wrong—still hesitating before you finally renounce the untenable principle of your church. You seem to have clothed yourself in Catholic armour, unconscious of the banners under which you were fighting. But let us take courage in consistency, and our cause will never fail to triumph—having thrown away your own arms, as it is a Catholic weapon that you have seized, it is from a Catholic you should learn how to manage it.

This recalls to my recollection an anecdote of a brother clergyman of your church at Paris; who was visiting the lions of that famed metropolis, in the society of an English Catholic Priest, and another countryman of ours, who happened to be a dissenting minister. As they visited the different churches, and paid a particular attention to all the forms and ceremonies of the national religion, freely expressing their opinions upon every point, the Church of England clergymen was perpetually engaged in supporting either the arguments of the Catholic priest, or those of the Dissenting minister. When the propriety of a liturgy—ritual observances, or ecclesiastical institutions, and the sinfulness of schism and heresy were discussed, the Church of England Protestant immediately dressed himself out in the full livery of the Catholic priest, and argued most earnestly against the simplifying doctrine of the Dissenter. But as soon as the Dissenter began to maintain the right of private judgment in matters of faith, and the sufficiency of the scriptures,—as soon as he began to inveigh against

the Bishop of Rome, the authority of the Church, and her ecumenical decrees, he immediately stood up in defence of the Dissenter's arguments, and contended, that as they were two to one, the Catholic Priest was in the minority, and therefore he ought to surrender at discretion. As the conversation, however, was carried on with that freedom and good humor which should distinguish all religious controversies, the Catholic Priest and the Dissenting Minister, knowing the consistency of their own principles, and seeing at the same time the inconsistency of those professed by the Clergyman of the Establishment, observed to him, "We acknowledge, Sir, that you have shown much courage in this controversial contest, but you have fought on both sides, and you have fought with weapons which were not your *own*—have you, then, none to arm yourself with, which are really *yours*?" "None!!!" "Really then you are to be pitied; for what would you do in your defence if we both should come against you, clad in the armour of those very arguments in which you conceive yourself victorious? unarmed and defenceless, you would be under the necessity of surrendering to one or the other."

Now, Sir, I consider this anecdote very applicable to our present controversy, and entertain the hope that in this story you perceive a miniature description of the future struggles of the Established Church, against her numerous adversaries. I certainly think, with many others, that the time is come, when the Church of England must choose between an approximation to the Catholics or the Dissenters.—A middle course is no longer possible, and you must either agree to maintain the Christian Hierarchy by a re-union with the Church of Rome, and a concordatum with the Papal See, grounded upon mutual concessions, or you must be prepared to see the whole religious establishment of this empire absorbed in that overwhelming current which, as you are so well aware, is fast undermining its foundations. To withstand the torrent which is now set in against this fabric, it should have been built upon a rock, which it is not; it must, therefore, pass away, like all establishments raised on a sandy foundation. *My Church, said Jesus Christ, is built upon a rock and against her the gates of hell shall never prevail.*¹

¹ I shall perhaps be answered in this manner. If the Protestant Established Church be swept away, be pleased to recollect that the Church of

There is another position in your letter to me (No. III. p. 78.) which I cannot pass by without an observation. Do you, Sir, as Margaret Professor in the University of Cambridge, as one of the Theological Doctors of your Church, assert that, "without the Bible indeed we cannot be *Christians*?"—I really do not pretend to understand this sentence—but surely, when a Doctor of Divinity writes upon so grave a point, I think he should write with precision. These words, Sir, imply that Baptism does not make us *Christians*—they imply, that men *cannot be Christians*, till they are made so by the *Bible*.—Are then all infants, all those who cannot read or procure a Bible, *non-Christians*? Were not you, Sir, a *Christian*, till you had read the *Bible*? Were then the *three thousand souls who were added to the Church in one day*, by St. Peter, *non-Christians*, because they had no Bibles? Were all the primitive disciples of the apostles *non-Christians*, the whole Church *non-Christian*, because the New Testament had not then been written? Really, Sir, unless you explain yourself more precisely, the reflection you have dropped must create great uneasiness in the minds of many of your readers; for it is a sentiment which will descend to posterity, stamped with the authority of a Margaret Professor.

After writing, therefore, the foregoing pages, I do not see, Sir, why you should tell me, "that I congratulate myself in vain on the similarity of our opinions;" adding, "unless I am prepared to let the Bible *without tradition*, as you are to let the Bible *without the Liturgy and Articles*, be the rule for deciding controversies between your church and mine." (Letter to the Rev. P. G. No. III. p. 82.) Sir, I profess to deal out to *others* in the same measure, in which I deal out to *myself*; and my only complaint against you is that you decline this just principle. I conceive, Sir, that religion should be taught as it has been learnt—and that it should be maintained and defended by the same means by which it has been found and acquired. On this account, when controverting with a Dissenter, we appeal to the Bible *alone*, because he does not, like *us*

Rome once met a similar fate. She is therefore not built upon a rock.—To this plausible objection I would make this reply. The Church of England exists in this country as a *whole*; and thus it may be entirely subverted. But the Roman Catholic Church when established in this country, was only a *part* of a whole, and when subverted, it fell as a principal limb of a great tree! But the tree itself continued to stand firmly rooted.

churchmen, admit a church authority (see Article 20th among the 39) ; but we always tell him that no controversy can be finally settled without the aid of tradition. And we even charge him with the *practical* admission of it, although he *theoretically* exclude it from his principles. And for the justice of this assertion I can quote a Protestant writer. Nightingale, in his *Portraiture of the Catholic Religion*, says: "the Bible! the Bible only! is the religion of Protestants!" exclaims good William Chillingworth.—"Very true," says the judicious Hooker, in his *Ecclesiastical Polity*; "but then you must submit to receive the Bible from the hands of Church-of-England men."—"Certainly, the Bible, by all means," adds the learned Margaret Professor; "yet the Bible is nothing without the Book of Common Prayer."—"Nay, nay, the Bible is not the thing you want, unless you discover in it all the great and precious truths contained in the Assembly's Catechism, and can submit to the wholesome discipline of the Directory," replies the pious and sober Presbyterian. "No, no, no," says the zealous Methodist; "it is the Bible collated with Mr. Wesley's Sermons and Mr. Fletcher's Checks, that is the religion of Protestants."—"And thou mayest read the Bible and the checks till Doomsday, friend, to no purpose, unless thou hast the light of the spirit," adds the modest Quaker.—"A truce with your spirit!" exclaims the Swedenborgian; "why don't you read the works of the highly illuminated Baron, wherein are answered all questions, be they high as heaven or deep as hell?"—"You all are right, and all are wrong," rejoins the Rev. Dr. Sturges, the Prebendary of Winchester; "provided 'the magistrate chooses' to say so; for it is his province to decide which shall be the NATIONAL RELIGION."

You perceive, Sir, that you are not the only one, who denies in *theory* what he admits in *practice*. I must therefore again beseech you to recollect, that my observations respect the means of learning and teaching religion, not the mode of defending it against those who dissent from us. I hardly think that I have once even glanced at this extraneous question in my CONGRATULATORY LETTER to you. I see not then how you can consistently challenge me to meet you with the Bible *alone*, whilst you hold the Liturgy and Articles in your hand, or as a defence keep them hidden in your bosom. But if it really be your intention, fairly to come forth in the presence

of the whole university of Cambridge, armed with the BIBLE ONLY, and dash on the floor the gauntlet of defiance, I'll not decline the challenge, but take it up and face you in single combat on equal terms.

Now, Sir, joking apart, as you well know, were we to meet on this ground, at the end of the contest our general appearance would be so completely metamorphosed, our whole aspect so perfectly new, and *sui generis*, so perfectly different from any thing that has hitherto been seen in Christendom, that we should neither be known by a Catholic, a Church of England Protestant, a Dissenter, or Methodist. We should return into the world as a *lusus nature*, some monster in religion, which would be both the pity and the wonder of men. Amphibious in our relations to the old and new law, we should walk through life like the camelion, showing some new shade and color in every diversity of circumstance. Oh then what solicitude would be expressed by our respective friends that we should return from this heterogeneous condition to civilized society, that you should resume your LITURGY AND ARTICLES, and my TRADITIONS, and that we should together confess the folly of aspiring to true virtue and discreet religion in the savage state of an *unregulated, emancipated mind*.

If then you acknowledge the wildness of this scheme which you have proposed, and, re-entering into your more just reflections, think you may venture to descend into the arena as a Church of England Protestant, girded with the *Liturgy and Articles*, again I declare my readiness to meet you.* Nay, ere many weeks have elapsed you shall behold a hostile shield, against which, unless your courage fail you, you may break a spear: and it is this very circumstance which has necessarily drawn off my attention from your Letter to me, which otherwise I should have had the honor of sooner replying to.

You have most sensibly and happily admitted, that "*true religion and established religion*," are distinct things, (Letter to the Rev. P. G. No: III. p. 74.); and you very properly add, "that if the terms were synonymous, TRUTH would be often at variance with itself; it would apply, or not apply, to the very same thing according to mere accident." I shall take the liberty then of placing myself upon this

* A Defence of the ancient Faith, in four volumes.

cardinal principle, and my object shall be to show, that although the CATHOLIC RELIGION is not the *established* religion of this country, it is nevertheless the *true* religion. Yourself having admitted the *possibility* of this case, my endeavour shall be to prove the *fact*. Your own distinction relieves me from all squeamishness on this subject; for you say, that "the establishment of religion in any country (as both Bishops Warburton and Dr. Paley have clearly shown), is not founded in the consideration of its *truth*;—this question lies *without* the province of the legislature: it is a question of theology, and not of civil government."—I then shall undoubtedly argue, not as a *civil lawyer*, or *legislator*, but as a *theologian*, acting within my own just province; and I cannot hesitate in supposing, that all *Protestant theologians* will express an eternal gratitude to me, if my humble efforts should throw some new light upon the subject, and enable them to discover a mistake in their *theological* calculations.

But in your letter to me (p. 7.) I notice another proposition, to which I cannot by any means subscribe, and my only surprise is, that you should have left your readers in any doubt whether you subscribe to it yourself. I think, Sir, it almost contains a libel upon the virtues and the consciences of men. You say, "the truth of a religion may operate, *remotely or indirectly*, on the decision of the legislature. But the immediate and *direct* motive which operates in the establishment of religion, is its utility to the state."—I say, Sir, God forbid that I should ever subscribe to this principle, or charge it against any christian government. Mahomet indeed is accused of having made his religion purely subservient to the state, but I will not confound Mahometan principles with those of Christians; I will not place the KORAN in society with the BIBLE. However, is not the very admission which you have made of this governing principle sufficient to shake that misplaced *confidence* which so many repose in a religion because it is *established*. I conceive that as true religion is anterior in point of date to the establishment of every christian government in Europe, the very circumstance of a religion being formally introduced by a legislature as the established religion of any country, strongly militates against its claim to originality. To the Church might very properly be applied the armorial motto of one of our noble families:

Reges ex nobis, non nos ex regibus orti:

But you observe moreover in the same page, "that *Protestantism* became the established religion of this country, because the great body of the people agreed to profess Christianity under *that* form, and it would *cease* to be the established religion, if at any time the great body of the people should determine to profess Christianity under *another* form." But, Sir, unless you intend to measure for your neighbours by a different standard than that by which you square for Englishmen, how will you reconcile this principle with the justice of the penal laws in Ireland for the last two centuries; or with the objections you express in your postscript, to the emancipation of the GREAT BODY OF THE PEOPLE OF IRELAND, who have not so much as even hinted a wish that their religion should be made the established religion of Ireland? You were not aware then I dare say, when you wrote that postscript, of the *principle* you had advanced in the body of your letter. But now that you have reconsidered *yourself*, I think the Catholics of Ireland have good grounds for expecting, that with your own pen you will cancel those "REMARKS" which your postscript contains, "on the consequences which must result from the concession of the Catholic claims." I am confident they *would* not ask you to carry your consistency farther, though they evidently *might*.

You say, page 82 of your Letter to me, "that I agree with other writers of my community in making Tradition the *paramount authority*, by which the truth or falsehood of Christian doctrines is to be decided." I must then notice a little error in the proposition you have stated. We do not say that Tradition is a *paramount authority*—or that Tradition is to decide the truth or falsehood of *Christian doctrines*, any more than we say, that legal evidence is a *paramount authority*, and decides on a civil transaction in a judgment given by the TWELVE JUDGES. I conceive the language would be more legal, to say, that the TWELVE JUDGES decide on any civil transaction, by the statute and common law of the land, and the evidence adduced. In the same manner also, I would reverse your proposition and say, that the CATHOLIC CHURCH decides on the truth and falsehood of religious doctrines, by the strength of those written and unwritten evidences which have been handed from father to son, through succeeding generations, which

evidences are generally styled *Tradition*. It is not *Tradition* therefore, but the Church, that decides by the testimony of *Tradition*, and *SHE* is the *paramount authority*. With this explanation I admit your statement; yet perhaps, Sir, you will feel surprise when I tell you, that I mean to place a similar account at your own door, and instead of admitting the justice of your remark, in your Letter to me; p. 81, Pamph. No. 14. yiz. "that as *my basis is false my superstructure falls at once to the ground*"—I mean to prove to you that as you have placed your very *Bible* upon the *basis of Tradition*, so the *whole superstructure* you have raised is *grounded on Tradition*.

Since I had the honor of addressing to you my CONGRATULATORY LETTER, I have had the great satisfaction of perusing your two Courses of Lectures on Divinity. They have fully established in my mind the opinion I had conceived of your extensive reading, your learning, and solid judgment, and this opinion is particularly strengthened by observing these Lectures universally inculcate the necessity of *Tradition*; and I may add, the necessity, by inference, of a supreme defining authority. I conceive, Sir, it is impossible for any Christian, any Theologian to hear, or peruse your Lectures, and not to feel *discouragement*, if not absolute *dismay*, at the Herculean work your labors have cut out for him. At it I think the very bravest and most undaunted will stand appalled. You can best tell the difficulties of the course you have run, and the obstacles to be encountered. You can say how much farther you are now advanced towards certitude in biblical knowledge, than you were at the commencement of your career. I only feel confounded at my own comparative insignificance, and am forced to look towards heaven, to know how, with the inexperience, the youth and feebleness of a David, I can possess sufficient fortitude to match myself against a Goliath in Biblical Theology. Surely, you will say, there must be operating some potent principle which can render *me*, without the armour of your learning, so perfectly fearless and composed. There is, I avow it; and as the Hero of Israel confided in his sling and pebbles, so you will see yourself defeated by *Tradition*, and perceive that you have only armed yourself to fall by your own weapon.

I trust, Sir, I shall not offend you by the strength of this figurative language, since I assure you I intend nothing disrespectful by it. But the Lectures contained in your two first Courses of Divinity, all point at the necessity of studying and collating the criticisms of the Bible; and as I wish to build my assertion on a very solid foundation, I shall be under the necessity of placing before you some very considerable extracts.

“Your Lectures,” you say, “may be compared with a map and a book of directions, from which the traveller may learn the road which he must take, the stages which he must go, and the places where he must stop; in order to arrive with the greatest ease and safety at his journey’s end. Descriptions of this kind are no less useful in travelling through the paths of knowledge than in travelling over distant lands. And it is a description of this kind, which will be attempted in these Lectures.”

Here it may be asked, *what* is the end of the journey to which these Lectures are intended to lead? Is it the object of elements, thus general and comprehensive, to generalise Christianity itself, to represent it in the form of a general theorem, from which individual creeds are to be deduced as so many corollaries? Or is it their object to maintain one particular creed to the exclusion of all others? The latter may appear to be less liberal than the former, but it is only so in appearance; while the advantages ascribed to the former, are as *imaginary*, as those possessed by the latter are *substantial*. It is difficult to conceive any thing more painful or more injurious to the student in divinity, than to be left in a state of *uncertainty*, what he is at last to believe, or disbelieve. Where no particular system of faith is inculcated, where a variety of objects is represented without discrimination, the minds of the hearers must become so unsettled, they must become so bewildered in regard to the choice of their creed, as to be in danger of choosing *none at all*. The attempt to generalise Christianity, in order to embrace a variety of creeds, will ultimately lead to the exclusion of all creeds; it will have a similar effect with Spinoza’s doctrine of Pantheism; it will produce the very opposite to that, which the name itself imports. And as Pantheism, though nominally the

reverse, is in reality but another term for Atheism; so Christianity, when generalised, is no Christianity at all. The very essentials of Christianity must be omitted, before we can obtain a form so general, as not to militate against any of the numerous systems which in various ages have been denominated Christian. Some particular system, therefore, must be adopted, as the object and end of our theological study. What particular system must be the object and end of our theological study, cannot be a question in this place; it cannot be a question with men who are studying with the very view of filling conspicuous stations in the Church of England. That system, then, which was established at the Reformation, and is contained in our *Liturgy*, our *Articles*, and our *Homilies*, is the system, to which all our labors must be ultimately directed."

"If it be objected, that the student will thus be prejudiced in favor of a particular system before he has had an opportunity of comparing it with others, one answer to the objection has been already given, namely, that however specious the plan of teaching Christianity on a broad basis, it is *incapable* of being reduced to practice; that, if various systems be taught, they must be taught, not in union, but in succession; and consequently, that at least in point of time some one system must have the precedence."

"That theological learning is *necessary* to make a good divine of the Church of England, is a position, which a learned audience will certainly be disposed to admit. And this position will appear still more evident, when we consider what it is which constitutes the chief difference between the learned and the unlearned in theology. It is not, the ability to read the New Testament in Greek, which makes a man a learned divine, though it is one of the ingredients, without which he cannot become so. The main difference consists in this, that while the unlearned in divinity obtain only a knowledge of what the truths of Christianity are, the learned in divinity know also the *grounds* on which they rest. And that this knowledge ought to be obtained by every man who assumes the sacred office of a Christian teacher, nothing but the blindest enthusiasm can deny. If St. Peter, in addressing himself

to the numerous converts of Pontius, Galatia, Cappadocia, Asia, Bithynia, required that they should be always ready to give a reason of the hope that was in them. How much more necessary must he have thought this ability in those who were set apart to be teachers of the gospel?"

"But ask any one of those illiterate teachers with which this country unfortunately abounds, ask him why he is a Christian and not a Mahometan; ask him why he believes that Christianity is a real revelation, and Mahometanism only a pretended one? He would answer either with a vacant stare, or with a reproach at the impiety of the question, as if it had been proposed with any other view than to try his knowledge. Not so the learned divine. He would enter into those historical and critical arguments, of which the unlettered enthusiast has no conception, but by which *alone* the *authenticity* of the gospel history can be established, by which *alone* the miracles recorded in it can be confirmed, by which *alone* the claims of Christianity to a *divine* origin can be proved legitimate."

"There is no ground then for that distinction between science and religion, that the one is an object of reason, the other an object of faith. Religion is an object of both; it is this very circumstance which distinguishes the unlearned from the learned in divinity; while the former has faith only, the latter has the same faith accompanied with reason. The former believes the miracles and doctrines of Christianity, as being recorded in the New Testament; the latter also believes the miracles and doctrines recorded in the New Testament, and he believes them, because by the help of his reason he knows *what the other does not*, that the record is *true*."

"But is not religion, it may be said, a matter of general import? Does it not concern all men, the unlearned as well as the learned? Can it be true then that such a literary apparatus is necessary for the purpose of religion? and would not at least nine-tenths of mankind be, in that case, excluded from its benefits? certainly not from its *practical* benefits, which *alone* are wanted, as they *alone* are attainable by the generality of mankind. Men, whose education and habits have not prepared them for profound inquiry, whose attention is wholly directed to the procuring of the

necessaries of life, *depend*, and must *depend*, for the truth of the doctrines which are taught them, on the authority of their *teachers* and *preachers*, of whom it is taken for granted, that they have investigated and really know the truth. But is this any reason why men, who are set apart for the ministry, should likewise be satisfied with taking things upon trust? Does it follow, because a task is neglected by those who have neither *leisure* nor *ability* to undertake it, that it must likewise be neglected by those who possess them both? Ought we not rather to conclude, that in proportion to the *inability* of the hearers to investigate for themselves, in proportion therefore to the *confidence* which they must place in their instructor, then instructor should endeavour to convince *himself* of the truth of his doctrines? And how is this conviction, this real knowledge of the truth, to be attained without *learning*?"

"¹ We have every reason, therefore, to persevere in the study of divinity: there is none whatever to dissuade us from it. We have every reason to applaud the wisdom of our illustrious founders, who were not of opinion that it is easier to become a good divine than a good mechanic; who were not of opinion, that the head requires less exercise than the hands, or that, if a *seven years' apprenticeship* is necessary to learn the manual operations of a common trade, a less time is required for the intellectual attainments of a Christian teacher. No; they required a two-fold apprenticeship to divinity: a seven years' study of the liberal arts, as preparatory to the study of divinity, and another seven years' study of divinity itself before the student was admitted to a degree in that profession."

"² When we attempt to expound a work of high antiquity, which has passed through a variety of copies, both ancient and modern, both written and printed; copies which differ from each other, in very numerous instances, we should have some reason to believe, that the copy, or edition, which we undertake to interpret, approaches as nearly to the original as it can be brought by human industry or human judgment. Or, to speak in the technical language of criticism, before we expound an author, we should

¹ Part I. p. 17.

² Part I. p. 21

procure the most correct text of that author. But in a work of such importance as the Bible, we should confide in the bare assertion of *no man*, with respect to the question, in what copy or edition either the Greek or the Hebrew text is contained *most correctly*. We should endeavour to obtain sufficient information on this subject to enable us to judge for ourselves; and the information which is necessary for this purpose, may be obtained even before we are acquainted with any other branch of theology. For when a passage is differently worded in different copies; or, to speak in technical terms, when it has various readings, the question, which of those readings is *probably* the original, or genuine reading, must be determined by **AUTHORITIES**, and by **RULES** similar to those which are applied to classic authors. The study of sacred criticism, therefore, as far as it relates to the obtaining of a correct text, *may* precede the study of every other branch; but, if it *may*, there are obvious reasons why it *should*. And, if that department of it which relates to the genuineness of whole books belongs on one account to a later period of theological study, it may still on another account be referred even to the first. Though the application or the practice of it requires the assistance of another branch, yet a knowledge of its principles may be previously obtained. Now the study of sacred criticism produces a habit of accurate investigation, which will be highly beneficial to us in our future theological inquiries. Its influence also is such, that it pervades every other part of theology; and, as our notions in this part are clear or obscure, our conclusions in other parts will be distinct or confused. In short, it is a branch which affords nutriment and life to all the other branches, which must become more or less vigorous, in proportion as this branch either flourishes or decays. To sacred criticism, then, the foremost rank is due."

"The reproaches which have been made, and the dangers which have been ascribed to it, proceed only from the want of knowing its real value. It is not the object of sacred criticism to expose the word of God to the uncertainties of human conjecture; its object is not to weaken, and much less to destroy the edifice which for ages has been the subject of just veneration. Its primary object is to show the firmness of that foundation, on which the sacred edifice is built, to prove the genuineness of the materials, of

which the edifice is constructed. It is employed in the confutation of objections, which, if made by ignorance, can be removed only by knowledge. On the other hand, if in the progress of inquiry exerecences should be discovered, which violate the symmetry of the original fabric, which betray a mixture of the human with the divine, of interpolations, which the authority or artifice of man has engrafted on the oracles of God, it is the duty of sacred criticism to detect the spurious, and remove it from the genuine. For it is not less blameable to accept what is false, than to reject what is true: it is not less inconsistent with the principles of religion to ascribe the authority of Scripture to that which is *not* Scripture, than to refuse our acknowledgment, where such authority exists. Nor should we forget, that, if we resolve at all events to retain what has no authority to support it, we remove at once the criterion, which distinguishes truth from falsehood, we involve the spurious and the genuine in the same fate, and thus deprive ourselves of the power of ever ascertaining what is the real text of the sacred writings."

"But the qualification next to be mentioned, as necessary for a good interpreter of the Bible, is not of so easy attainment, namely, the knowledge of some *fixed rule* or principle, by which we may direct our judgments, amid the *discordant* interpretations of biblical commentators. That all men should agree in adopting one rule of interpretation is no more to be expected, than that all men should agree in one religious creed. The very first principle of interpretation, namely, that the real meaning of a passage is its literal or grammatical meaning, that, as the writer himself intended to apply it, so and no otherwise the reader must take it, this principle, from which no expounder of any other work would knowingly depart, is expressly rejected by many commentators on the Bible, not only among the Jews, who set the example in their Targums, but also among Christians, who have followed that example in their comments and paraphrases. It would be foreign to the present Lectures to discuss the question, whether it is allowable in our interpretation of the Bible, to depart in some cases from the principle just mentioned. But if it be allowable, this

departure must be made at least with consistency; it must not be made, till the divine authority of the Bible, is already established, for on that ground only can we defend the adoption of other rules."

"When by the means above-mentioned we have acquired due information in respect to any portion of Scripture, for instance, the Five Books of Moses, or the Four Gospels, we are then qualified, if not to investigate for ourselves, at least to study the investigations which have been made by others, in respect to the *authenticity* of those books, that is, whether they were written by the authors, to whom they are ascribed. This is the plain question, which we must ask before we go further, Did such a person write such a book, or did he not? It is a mere historical question, which must be determined, partly by external, and partly by internal evidence. But great confusion has taken place on this subject, by intermixing matter, with which it has no necessary connexion. When the fact, that the first of our Four Gospels, for instance, was written by St. Matthew, has been once established, by historical and critical arguments (*which historical and critical arguments must be applied precisely as we would apply them to a profane author*), it will follow of itself, that the Gospel was inspired, when we come to the subject of inspiration, and show, that the author, whose works we have already proved it to be, had received the promise of the Holy Spirit. But if we investigate the two subjects at the same time, if we intermix the question of inspiration with the question of authenticity, we shall probably establish neither. In fact, the two questions are so distinct, that we cannot even begin with the one, till we have ended with the other. Before the point has been ascertained, whether this Gospel was written by St. Matthew, or by an impostor in his name, there is no ground even for asking, whether it was written by inspiration; for in the latter case it would not be Scripture. It is obvious therefore, that in our inquiries into the authenticity of the sacred writings, the subject of inspiration must be left for future discussion."

"When we have established the authenticity of the sacred writings, that is, when we have established the historical fact, that

they were written by the authors, to whom they are ascribed, the next point to be ascertained is, the credit due to their accounts. And here we must be careful to guard against a *petitio principii*, to which very many writers on this subject have exposed themselves. If we assert, that the narratives, for instance, in the New Testament are therefore intitled to credit, because the writers were prevented by divine assistance from falling into material error, we assert indeed what is true; but it is a truth, which we can no more apply in the present stage of our inquiry, than we can apply the last proposition of a book of Euclid to the demonstration of the first. For what other arguments can we produce, to show that those writers *had* such assistance, than arguments deduced from the writings themselves? And does not this argumentation imply, that the *truth* of those writings is already established? It must be established therefore *without* an appeal to inspiration, or it cannot be established at all. For as long as this truth remains unestablished, so long must inspiration remain unproved. The credibility, therefore, of the sacred writers, must be estimated, in the first instance, as we would estimate the credibility of other writers. *We must build on their testimony as human evidence, before we can obtain the privilege of appealing to them as divine.*"

"But in order to obtain both a firm conviction, and a clear perception of the Christian doctrines, we must be content to travel through the paths of Theology, without departing from the road which lies before us. We must not imagine, that any particular branch may be selected at pleasure, as it may happen to excite in us a greater degree either of interest or of curiosity; for if this were allowable, where would be the utility of theological order? We must *study the criticism* of the Bible, before we can be qualified, or at least before we can be *well* qualified to *study the interpretation* of the Bible. And we must obtain a *knowledge* of the Bible, before we can even *judge* of the arguments which are alleged for its authenticity and credibility. But till these points have been established, we have established *nothing* in a religious view; and consequently, if we undertake the latter branches of

Theology before we have gone through the former, we shall not only build the doctrines of Christianity, but Christianity itself, on a *foundation of sand*. In short, 'whoever undertakes to study Theology, without preparing himself for the latter branches by a knowledge of the former, undertakes as desperate a task, as a student in mathematics, who should venture upon Newton's *Principia*, before he had learnt either the properties of conic sections, or even the elements of plain geometry.'

"I am well aware, that a numerous sect of Christians in this country have a much more easy and expeditious mode of studying divinity. No *literary apparatus* is there necessary, either for the interpretation of the Bible, the establishment of its truth, or the elucidation of its doctrines. Inward sensation supplies the place of *outward argument*, divine communication supersedes theological learning. But as I am not able to teach divinity in any other way than I have been able to *learn it*, as my own *conviction* of the truth of Christianity is the result, not of *sudden* impulse, but a *long and laborious investigation*, as I have no other knowledge of its doctrines than that which is founded on the Bible, interpreted by *human learning*, my hearers must be satisfied, if they continue their attendance, to follow with patience and perseverance in all the portions of Theology through which it is prepared to lead them."

"As a reason for recommending so laborious a pursuit, which perhaps to many persons will appear unnecessary, it may be observed, that the object of these lectures is to form a theologian, who shall be thoroughly acquainted with his ground from the commencement to the close of his theological career, who, in the interpretation of the Bible, shall never refer to a fact in the criticism of the Bible, with which he is not previously acquainted, nor be compelled when he is searching the doctrines of the Bible, to adopt a rule of interpretation, without perceiving the foundation on which it rests."

"To those especially, who seek for conviction in certain inward feelings, which the warmth of their imaginations represents to them as divine. I would recommend the serious consideration of this important fact, that the foundation which *they* lay for the Bible, is no other than what the Mahometan is accustomed to lay for the

Koran. If you ask a Mahometan why he ascribes divine authority to the Koran, his answer is, because, when I read it, sensations are excited, which could not have been produced by any work that came not from God."

"But do we therefore give credit to the Mahometan for this appeal? Do we not immediately perceive, when the Mahometan thus argues from inward sensation, that he is, merely raising a phantom of his own imagination? and ought not this example, when we hear a similar appeal from a Christian teacher, to make us at least distrustful, not indeed with respect to Christianity itself, but with respect to his mode of proving it? He may answer, indeed, and answer with truth, that his sensations are produced by a work which is *really* divine, while the sensations excited in the Mahometan, are produced by a work which is only *thought* so. But this very truth will involve the person who thus uses it in a glaring absurdity. In the first place he appeals to a criterion which puts the Bible on a level with the Koran; and then to obviate this objection, he endeavours to show the superiority of his own appeal, by *pre-supposing* the fact which he had undertaken to prove."

"The criticism of the Greek Testament is a subject of the very *first* importance to every Christian; and though a knowledge of the language in which it was written is necessary for the exercise of that criticism, yet even without such knowledge some notion may be formed of the efforts of the learned to place the documents of Christianity on a firm foundation. The importance of this subject must be manifest to every one, who considers, that the criticism of the Greek Testament contains the *elements* of that analysis, by which we gradually discover the *truth* of our religion."

"To determine the *mode* of analysis which is necessary for this purpose, of analysis which shall bring with it conviction, let us suppose a man of liberal education, of sound understanding, and of serious disposition; who in his religious opinions, for want of proper instructions on that subject, has remained unsettled, but would willingly assent to the truth of Christianity, provided certain

propositions, necessary to establish that truth, were clearly explained to him. A man of this description, if a person endeavoured to convince him from the New Testament, would argue in the following manner: 'The book which you lay before me professes indeed to contain a faithful account of what was done and taught, both by the Founder of Christianity, and by others who assisted in the propagation of it. But you cannot expect that I should allow its pretensions to be valid, till you have assigned sufficient reasons that they *are so*; and these reasons involve several propositions, which must be distinctly stated and distinctly proved. That our attention may not be distracted by discussing different subjects at the same time, let us, in the first instance, confine ourselves to the epistles which you ascribe to St. Paul, who, as you assure me, not only became a zealous promoter, from a zealous enemy of Christianity, but was vested even with divine authority for that purpose. On this divine authority you found a set of doctrines, which you require me to receive through the medium of your interpretation, and declare at the same time that if I do not receive them, the consequences will be the most dreadful that imagination can conceive. Now I am perfectly willing (the supposed person might continue to say), I am perfectly willing to assent to truths of such importance, but I must previously know that they *are truths*, or I have no *foundation* for my assent. For the present I will waive the question, whether your *interpretations* be right or wrong; though I am well assured that something *more* is requisite to a *right understanding* of those Epistles, than is possessed by many who venture to explain them. But whatever be their *meaning*, you must first convince me that St. Paul was the *author* of them, or you leave them devoid of all religious obligation. And I expect that your proof be conducted, not with lofty declamation, or deep denunciation against unbelief; but by sober sense and plain reason. For though I am ready to place implicit confidence in St. Paul, as soon as you have proved that he was a teacher sent from God; though I am ready to have unbounded faith in divine doctrines, as soon as I know that they *are divine*; yet I cannot transfer this unbounded faith to any *modern* preacher of the gospel, however great his pretensions, whether from wisdom or from sanctity. When you, therefore, assure me,

that St. Paul had a divine commission, and ~~that~~ he wrote the Epistles in question, I expect these assertions, on your part, to be supported by argument; for *your* authority goes as far as *your arguments* go, and no farther."

"If the theologian, to whom this supposed person addressed himself, were a man accustomed to biblical investigation, and had sought a *basis* for his faith, such theologian would reply: 'I will undertake to produce arguments, which shall convince any reasonable man, that Paul, the apostle of Jesus Christ, was really the author of the Epistles ascribed to him: and when this point has been established, we have then a *foundation*, on which our *super-structure* may rest without danger.' But before you undertake this task, the objector may still reply, there are certain preliminaries, which must be settled between us, or we shall never come to a definite conclusion. You must not take the English translation, as the work, which is to be proved authentic; for the term *authentic translation* is a term without meaning. You may say a *correct* translation, or a *faithful* translation; but the term *authentic* applies only to the *original*, it applies only to the *Greek* Epistles, as written, or alleged to be written, by St. Paul himself. Now that the Greek manuscripts of those Epistles very frequently differ, as well from each other, as from the printed editions, is a fact, which it would be useless to deny, and absurd to overlook. Which therefore of the Greek manuscripts will you take into your hand, when you assert, 'these are the Epistles, which proceeded from the pen of St. Paul.' This is no easy matter to determine; and yet it *must* be determined, if the question of authenticity be examined with that precision, which the importance of the subject demands. This supposed conversation will render our present subject familiar to every hearer: it will show him, where, and what is the key-stone of the arch, which supports the fabric of Christianity."

"The first operation, therefore, in respect to the Greek Testament, which must be performed by a theologian, who intends to build his *faith* on a *firm foundation*, is to ascertain what copy of the Epistles ascribed to St. Paul, what copy of an Epistle ascribed to any other apostle, what copy of a Gospel ascribed to this or that Evangelist, has the strongest claim to be received by us, as a

true copy of the author's own manuscript; whoever the author, or authors, may really have been, which must be left to *future inquiry*, or we shall again take for granted the thing to be proved. Now the investigation of this previous question is a work of *immense labor*. The Greek manuscripts of St. Paul's Epistles (or as we should rather say in the present stage of our inquiry, of the Epistles ascribed to St. Paul) amount, as far as we know them, to more than a hundred and fifty: and the Greek manuscripts of the Gospels, with which we are acquainted, amount to more than three hundred and fifty. But among all these manuscripts there is none, which is so far intitled to precedence, as to be received for the *true copy*, of which we are in search. In fact, the truth lies *scattered* among them all; and in order to obtain the truth, we must *gather* from them all. Nor is an examination of these manuscripts, *numerous* as they are, *alone* sufficient for the object which we have in view. The quotations from the Greek Testament in the *voluminous* writings of the Greek fathers, must *likewise* be examined, that we may know, what *they* found in *their* Greek manuscripts. The *ancient versions* must also be consulted, in order to learn *what* the writers of those versions found in *their* copies of the Greek Testament. When *all* these collections from manuscripts, fathers, and versions, have been formed, and reduced into *proper order*, we have *then* to determine in *every single instance*, which among the *various readings* is *probably* the *genuine reading*. And that we may know *how* to determine, we must establish laws of criticism, calculated to counteract the causes, which produced the variations, and, by these means, to restore the true copy, of which we are in search."

"Now it cannot be supposed that labors, for which, when taken collectively, *no single life* is sufficient, would be recommended even by a *zealot* in his profession, as forming a *regular part* of theological study. Those labors are *unnecessary* for us: they have been *already undertaken*, and executed with success. But if the industry of our predecessors has *removed the burden* from our shoulders, we must not, therefore, become *indifferent spectators*, unconcerned whether the burden be *well or ill supported*. We must at least inform ourselves of the *nature, and extent* of those labors; or we shall never know, whether the object has been ob-

tained, for which they were undertaken. We must make ourselves acquainted with the causes which produced the variations in question, or we shall never know, whether the laws of criticism which profess to remedy that evil are founded in truth or falsehood. We must inquire therefore,—first, into the causes of the evil, and then—into the remedies, which have been applied to it; remedies which we shall find hereafter to have been applied with great success.”

“The manuscripts of the Greek Testaments during the fourteen hundred years which elapsed from the apostolic ages to the invention of printing, were exposed, like all other manuscripts, to mistakes in transcribing: and as every copy had unavoidably some errors, those errors multiplied with the multiplication of the copies. Letters, syllables, words, were added, omitted, or transposed, from mere carelessness in writing, whether the writer transcribed from a manuscript before him, or wrote, as was frequently the case, from the dictation of another. In the latter case, his ear might be deceived by a similarity in the sound of different words; in the former case, his eye might be deceived by a similarity in their form, by different words having the same final syllable, or by different sentences having the same final word. At other times, a transcriber misunderstood the manuscript from which he copied, either falsely interpreting its abbreviations, or falsely dividing the words, where they were written (as in the most ancient manuscripts) without intervals. Or the fault might be partly attributable to the manuscript itself, in cases where its letters were wholly or partially effaced or faded.”

“But the greatest variations arose from alterations made by design. The transcribers of the Greek Testament were not bound, like the transcribers of the Hebrew Bible, by rules prescribed to them in a Masora, or critical law book. Hence they often took the liberty of improving, as they supposed, on that manuscript, of which it was their business, to give only a copy; a liberty similar to that, which is now taken in a printing office, where a compositor often improves on the manuscript of an author.—Hence, a native of Greece, accustomed to hear his own language without an admixture of oriental idioms, and regarding therefore a Hebraism or a Syrianism, in the light of a solecism, would accordingly cor-

rect it, not considering or not knowing, that these Hebraisms and Syriacisms are the very idioms, which we should expect from Greek writers, who were born or educated in Judea, idioms therefore which form a strong argument for the authenticity of their writings. At other times, these same improvers, when they remarked that one Evangelist recorded the same thing more fully than another, (a circumstance again of great importance, as it shows there was no combination among the Evangelists) regarded this want of perfect coincidence as an imperfection, which they deemed it necessary to remove, by supplying the shorter account from the longer. Nor did they spare even the quotations from the Old Testament, whether those quotations were transcripts from the Septuagint, or translations from the Hebrew by the author himself. If they only differed from the *transcriber's* Septuagint, he concluded, that they were wrong, and required amendment."

"But the most fruitful source of designed alteration, was the removal of marginal annotations into the text. Indeed to this cause may be ascribed the alterations from parallel passages whenever those parallel passages had been written in the margin. Other marginal notes consisted of explanations, or applications of the adjacent text; and, when a manuscript with such notes, fell into the hands of a transcriber, he either supposed, that they were parts of the text, accidentally omitted, and supplied in the margin, or considered them as useful additions, which there would be no harm in adopting. In either cases he took them into the text of that manuscript, which he himself was writing."

"The latter case may indeed be referred to that class of various readings, which derive their origin from wilful corruption, being introduced for the sole purpose of obtaining support to some particular doctrine. That such things have been done, and done by all parties, is not to be denied; for we have examples on record. But as we have received our manuscripts of the Greek Testament, not out of the hands of the ancient *heretics*, but from the *orthodox* members of the Greek Church, we have less reason to apprehend, that they have suffered, in point of doctrine, from *heretical* influence."

Now, Sir, after cursorily reviewing the copious extracts I have made from your printed Lectures, it appears, that you consider

fixed principles in Theology highly important, and even necessary to every one who aspires to a correct understanding of the Bible (see quotation in page 415.)—Secondly, you maintain that upon Protestant principles, *probability* is the NE PLUS ULTRA of successful research in Divinity, and that no one can be assured of the positive *correctness* of any particular reading of Scripture, although they employ all the pains you have bestowed upon that branch of theology (see quotations in pp. 411, 422.) Thirdly, you assert every line of the inspired writings, and consequently the sense which the language conveys, *absolutely* rests on the evidence of human *criticisms*—that these evidences are your *rule of faith*, and the basis of that trust which you repose in the Bible (see particularly quotation in p. 417.) Fourthly, that the private study of the *criticisms of the Bible*, is the only means Protestants possess, of discovering a probably—correct or a probably—true or a *probable* reading of the Bible. I refer you particularly to your third and fifth Lectures (see quotation in p. 417.).

I do indeed then perfectly concur with you in sentiment, that *fixed principles* are not only *important* but *necessary* to every one who desires not to be tossed to and fro by every wind of doctrine; but am at a loss to conceive what in your opinion will constitute that *steadiness* of principle which you so forcibly recommend to the theologian. If it be true, as you say, (Part I. p. 14) that “Men whose education and habits have not prepared them for profound inquiry, whose attention is wholly directed to the procuring of the necessities of life, *depend*, and *must depend*, for the truth of the doctrines which are taught them, on the authority of their *teachers* and *preachers*, of whom it is taken for granted, that they have investigated, and really know the truth,” I am of opinion that such persons have a far more *fixed* principle than those who, with you, launch into the study of *sacred criticism*. For where the ground on which they tread, is so uncertain, so unsteady and variable, how can any fixed or steady principle be established upon it? As you confess that *certitude* enters not into your scheme of theology, and that your disciples must be satisfied to range in the wide field of *probabilities*; so you admit that all their labors are to terminate at a *probably genuine* reading of Scripture, and consequently,

that the doctrine or instruction, or word of God contained in such reading, is merely *probably genuine*: for you very properly say, (Part II. p. 50.) "We shall frequently be obliged to determine the true *reading* of a passage, before we can determine its true *meaning*."

I have taken the pains, Sir, to number *some* of the authorities and works to which you refer in your two first courses of Lectures, and have computed them at about thirty-seven thousand. Now as truth is one, and error always various, and as any *one* of these authorities may possibly be *right*, I shall only be surprised if your readers do not feel an alarm and anxiety similar to that which, you say, struck many Protestants when Dr. Mill published his edition of the Greek Testament, and which, it should be observed, is only a very small part of the *whole* Bible. "We are greatly indebted," you say, "to Dr. Mill for having supplied us with such ample means of obtaining a more correct edition of the *Greek Testament*. But his labors were misunderstood and misrepresented by his contemporaries. The appearance of so many thousand various readings (they are said to amount to thirty thousand) excited an alarm for the New Testament: and those very materials, which had been collected for the purpose of producing a correct, an unaltered text, were regarded as the means of undermining its authority. The text in daily use, originally derived from modern manuscripts, and transmitted through Stephens and Beza into the Elzevir editions, was at that time supposed to have already attained its highest perfection, and was regarded in the same light, as if Erasmus had printed from the autographs of the sacred writers. The possibility of mistakes in transcribing the *Greek Testament*, the consequent necessity of making the copies of it subservient to mutual correction, and hence the inference, that the *probability* of obtaining an accurate copy is increased by the frequency of comparison, did not occur to those who were offended at Dr. Mill's publication. They were not aware that the *genuine* text of the sacred writers could not exclusively be found in any modern manuscript, from which the first editor of a

Greek Testament might accidentally print they were not aware that the truth *lies scattered among them all, and must be collected from them all*"

If then, "truth lies scattered among them all, and must be collected from them all," every addition of fresh material to the present stock, by the discovery of some concealed ancient manuscript, must awaken in Protestants a painful curiosity to ascertain whether it confirm or contradict that *reading* which they hope to be genuine.

Now, unless men are willing to rely upon the *tradition* of others, some notion of the labor for which they should be prepared, may be gathered from the industry of an individual, which I will describe in your own words, (Part II. p. 34) "But after all, the materials collected for the purpose of obtaining a correct edition of the Greek Testament, materials for which all the known libraries in Europe had been searched, and which it had employed nearly three centuries to obtain, there was still wanted an editor of sufficient learning, acuteness, industry, and impartiality, in the weighing of evidence, to apply those materials to their proper object. Dr. Griesbach, by his *first* edition of the Greek Testament, had already afforded convincing proofs of his critical ability, and hence the learned in general, especially in his own country, regarded him as the person who was best qualified to undertake this new revision of the Greek text. Indeed the subject had formed the business of his life. Like Wetstein, when he had finished his academical studies, he travelled into France and England for the purpose of collating manuscripts of the New Testament. But as the stock of materials was *then* very considerably larger than when *Wetstein* commenced his literary labors, it was not ^{so} much his object to increase, as to *revise* the apparatus already provided. For this purpose he re-examined the most ancient manuscripts, wherever doubts might be entertained, and it was important to ascertain the truth. The peculiar readings, which distinguish one class of manuscripts from another, and are the basis on which that classification is formed, were likewise objects of particular attention. But he in general disregarded the mass of readings which are common to most manuscripts, as serving rather to encumber than to improve our critical apparatus. At the same time, when

ever uncollated manuscripts presented themselves to his notice, he neglected not to extract what was worthy of attention. The fruits of his researches, with his remarks on the examined manuscripts, he published in two octavo volumes, printed at Halle, in 1785 and 1793, under the following title: *Symbolæ Criticæ, ad Supplendas et Corrigendas rariorum Novi Testamenti lectionum Collectiones: accedit multarum Novi Testamenti codicum Græcorum descriptio et examen.* This work contains the principles on which Griesbach has founded his critical system, and consequently should be studied by every man who attempts to form an estimate of his critical merits."

"As the quotations from the Greek Testament, which are scattered in the writings of the most ancient Greek Fathers, are of great importance in ascertaining the genuineness of disputed passages, he undertook a new and complete collation of the works of Origen, which he also published in his *Symbolæ Criticæ*, accompanied with the quotations of Clement of Alexandria, which differed from the common text."

"Further, as the testimony of the most ancient Latin version, such as those which have been published by Blanchini and Sabatier, are, in many cases, important to the Greek text, he undertook a new edition of those ancient versions. Of the Sahidic version, or the version in the dialect of the Upper Egypt, he quoted the readings which had been furnished by Woide, Georgi, and Munter. Of the Armenian version a new collation was made for him by Bredenkamp of Bremen: and the Slavonian version was collated for him, both in manuscript and in print, by Dobrowsky, at Prague. Nor must we neglect to mention the fragments of two very ancient Greek manuscripts, preserved at Wolfenbutter, which Knittel had published with his fragment of the Gothic version."

"Such were the materials which Griesbach applied to his second and last edition of the Greek Testament, in addition to the apparatus which was already contained in Wetsstein's edition, and which was subsequently augmented by the editions described in this lecture."

Now, Sir, I may possibly be asked, how any thing I have extracted from your Lectures can support the charge I have formally

made against you, of acceding to the Catholic principle of Tradition. I answer then by saying, that it is upon the Catholic ground of your taking every thing upon the authority of others, that is, upon the authority of TRADITION. I own that you betray a vast deal more *mistrust* than the Catholic, in the authorities on which you have chosen to repose your faith, and you profess a *caution*, that nearly amounts to *absolute indecision*. But do you say, that the individual who simply enters a shop, purchases and reads his Bible, is able so to recognise the word of God, in every page, in every sentence, that he can ground an act of divine faith upon the reading before him? No, you affirm, that this is only to be ascertained by studying the *criticisms* of the Bible—and what are these criticisms? why no other than the *authorities* who had previously examined and made report—they are human evidences built one upon another, and thus reaching up to the apostles—they form the basis of that superstructure which you consider so immovable, in short, your maxim *must be*, NIL ACCEPTUM, QUOD NON TRADIITUM.

I do not, however, mean to insinuate, that because *your* faith like *our's*, is built upon Tradition, therefore your faith is not in the word of God. I can easily perceive that when you believe a scriptural sentence to be the word of God, though you only discover this truth by the means of biblical criticisms, your faith will really repose upon the testimony of God. Yet these criticisms will still be the *ground-work* and *rule* of your faith. And the only difference between the ignorant and the *learn'd Christian*, will be, that the former, (who you say *must* depend upon the authority of another for the truth of the doctrines which are taught him) reposes on the *criticism* of ONE or a FEW, whereas the other builds his acquiescence on the more *discordant criticisms* of a *great many*; and the only real distinction between a Catholic and a Church of England disciple of your's on this principle, is that the one retains a *Latin* term, whilst the other prefers a *Greek* expression,—the one makes Tradition a *rule* for explaining as well as receiving the Bible, the other *does both*, but *professes the reverse*. The true difference, therefore, between your *criticism* and our *tradition*, is, that the former signifies a *report made*, and the latter an *evidence received*. And to show you how exactly they accord, it will only

be necessary to quote the following passage from your seventh and ninth Lectures.

" ' If the best Greek manuscripts, with the most ancient fathers and versions, agree in supporting any particular reading, we must conclude that it is the *genuine* reading, whether that reading were contained, or not, in the manuscript of Erasmus or the Complutensian Editors, whether that reading were contained or not, either in *their* editions, or in any which *succeeded* them. But such was the importance, which a reading was *then* supposed to derive from having been once in print, and so necessary did this stamp of authority appear in order to legalize its claim to admission, that no reading was adopted by Bengelius, however great its *critical* authority, unless it had already received the sanction of the *press*. He himself says, *I will not admit into the text a syllable which has not been before received, though a thousand manuscripts, a thousand critics, say it should be*. *Ne syllabam quidem, etiamsi mille manuscripti, mille critici pudent, antequam non receptam, adducam ut receptam*."

" ' Even that portion of sacred criticism, which in its *application* belongs to the third branch of divinity, or the authenticity of the Bible, is in its *principles*, so connected with verbal criticism, that the basis on which they rest, is nearly one and the same. From the criticism of *words* we ascend to the criticism of *sentences*, from the criticism of *sentences* to the criticism of *chapters*, and from the criticism of *chapters* to the criticism of *whole books*. To illustrate this ascent, an example of each will be sufficient. If we turn to Griesbach's Greek Testament at Mat xxviii 19, we shall find the passage thus worded. *Πορεύσθε βαπτίζοντες ἐν ὀνόματι τοῦ Πατρὸς, καὶ τοῦ Υἱοῦ, καὶ τοῦ ἁγίου Πνεύματος*, where the whole difference from the common text consists in the omission of the particle *οὖν*. This omission is founded on the authority, not only of many ancient Greek manuscripts, but of the ancient Greek Fathers, Origen, Athanasius, Basil, Chrysostom, and Cyril, who all expressly quote for this purpose. From the criticism of the particle *οὖν*, which is probably spurious, we ascend to the criticism of the whole passage, which is un-

doubtedly genuine. For if Origen, who was born in the century after that in which St. Matthew wrote, found the passage in *his* manuscript of the Gospels, with the exception of only a particle, and the Greek Fathers of the fourth century found it worded in the same manner in *their* manuscripts, we have as strong a proof of its authenticity, as can be given or required in works of antiquity."—"From the criticism of *sentences*, we ascend to the criticism of *chapters*. It is well known, that attempts have been made to invalidate the testimony which the two first chapters of St. Matthew's Gospel bear to the doctrine of the incarnation, by contending, that those chapters were not original parts of St. Matthew's Gospel, but were prefixed to it by some other person, at some later period. Now, if we turn to the second volume of Griesbach's *Symbolæ Criticæ*, where he quotes the readings of the Greek Testament from Clement of Alexandria and Origen, we shall find a quotation from the *first* chapter of St. Matthew's Gospel, and reference to the *second*, made by Celsus, the Epicurean philosopher, which quotation and reference are noted by Origen, who wrote in answer to Celsus: '*Illic patet* (says Griesbach, very justly) *duo priora Matthæi capita Celso nota fuisse.*' Now if Celsus, who wrote his celebrated work against the Christians in the time of Marcus Aurelius, and consequently little more than a hundred years after St. Matthew himself wrote, yet found the two first chapters in *his* manuscript of St. Matthew's Gospel those chapters must either have been *original* parts of St. Matthew's Gospel, or they must have been added at a time so little antecedent to the age of Celsus, that a writer so inquisitive, so sagacious, and at the same time so inimical to Christianity, could not have failed to *detect* the imposture. But in this case he would not have quoted those chapters as parts of St. Matthew's Gospel. Consequently the truth must lie in the *other* part of the dilemma; namely, that those chapters are *authentic*."

I now, Sir, think it full time to bring this Letter to a conclusion; and in winding it up feel much disposed again to congratulate with you on the close approximation of our principles. God grant that we one day congratulate each other on a *perfect* union and fellowship in religion, for which these common principles so completely dispose us. I conceive, then, that I have justified

myself in attributing to you the sentiment, that admitting the religion of the Church of England to be *true*, another authority *besides* the Bible is necessary for “continuing that religion in its present *establishment*.” And though you may consider this *authority* as distinct from the religion thus inculcated, and rather as a human institution; yet it is the CHANNEL by which you acknowledge the religion of the *establishment* is to be continued, and no otherwise differs from the voice of our *tradition*, Catholic ecclesiastical authority, than inasmuch as the decrees of the one are the acts of a lay parliamentary tribunal, deciding by the human rules of state politicians, whilst the other is the voice of assemblies composed of the successors of the apostles, acting within their own province, and conscientiously giving evidence of what had been transmitted to them. Quod acceptum, hoc traditum. The one is an unnatural assumption of authority, the other a lawful exercise of invested power. The one is to confound *the things which are Cæsar’s, with the things which are God’s*, the other is to follow the line of distinction. With every respect,

REV. SIR,

I have the honor to be,

Your obedient humble servant,

PETER GANDOLPHY.

POSTSCRIPT.

THE generous manner in which you have recalled your assertion, which stated that Catholics withhold the sacred Scriptures from the people, will justly intitle you to the esteem of all honorable men, while it has my fullest acknowledgment. I think it

really to be regretted, that, in general, men should take such pains to misunderstand each other, instead of exerting themselves to modify and explain their opinions in that way which would admit both harmony and charity. The reproaches which have been cast upon the Catholic Priesthood, for not consenting to what even many prudent Protestants disapprove of, I mean an *indiscriminate* distribution of the Bible, have been both severe and unmerited. I have clearly shown in my CONGRATULATORY LETTER AND SERMON addressed to you, that before the accidental invention of printing, Bibles, like other books, were within the reach of a very few, and that the Catholic clergy were as little amenable to blame on that account as the Protestant clergy at present, because pearls are not as plenty as oysters, or diamonds as numerous and as large as horse beans, or gold as common as iron. Now, should a future generation discover the art of making diamonds, pearls, and gold, would it be either fair or honest for men to tell an ignorant multitude, that the present Protestant Bishops and Protestant Clergy had kept the secret of this art to themselves, lest the people should become as rich as the whole clergy of England—and that they may thank Providence for having emancipated them from the mean necessity of using iron and earthenware, and for giving them the opportunity of becoming as rich as English lords and Indian kings?—I ask if this language would be fair and honest?—Certainly not—yet I have witnessed something very similar in several of the circular letters of the Bible Societies, and which nothing but an ignorance of the very grossest species can excuse. In these circulars I have seen it asserted, that in the dark ages the Papal priesthood had suppressed what never existed, and had prohibited men from reading, who had never known how to use a book. You are aware that the benefit of clergy was anciently a privilege exclusively limited to those who had learnt to read. Now as late as the reign of Edward the Sixth, it was found, that in criminal cases, the PEERS OF PARLIAMENT were often unable to take advantage of this privilege, and therefore it was enacted by a statute, (1 Edw. VI. c. 12.) “that Lords of Parliament and Peers of the Realm, may have the benefit of their Peerage equivalent to that of Clergy (ALTHOUGH THEY CANNOT READ, and without being burnt in the hand) for all offences then clergyable to commoners,

and also for the crimes of housebreaking, highway robbery, horse-stealing, and robbing of churches," (Blacks. Com. Vol. iv. c. 28.) Surely then some allowance might be made for that difference of circumstances which improvement and education have occasioned in the space of three hundred years; and it might be supposed, that as men are at present more enlightened by information and science, they would be governed by a different treatment. I question much if education is not necessary to a certain degree, even to trust a man with a fowling-piece—surely then to commit to him a book of sublime theology. I have recorded in a note below, a curious account extracted from the Morning Chronicle of October 19, 1811, of a man that was tried at Leeds for adhering too

At the Leeds Sessions held last week, John Burnley, weaver, of Beeton, was brought before the Court on a charge of deserting his family, and leaving them chargeable to the township. When he was placed at the bar, he was interrogated in the following terms;

Court. What reason have you to assign for deserting your family?—*Pris.* I was called by the Word of God so to do.

Court. Where have you lived since, and what have you done?—*Pris.* I have lived at Ptoovens, near Wakefield, and have worked at my business as a weaver.

Court. What can you earn a week, upon an average?—*Pris.* From 18s. to 20s. per week.

Court. And how do you dispose of it?—*Pris.* After supplying my own necessities, I distribute the rest among my poor neighbours.

Court. But should not your wife and children be the first object of your care and bounty?—*Pris.* No: unless they are in greater distress than all others.

Court. The Scripture, which you profess to follow, says, speaking of the relation of man and wife, that they shall be one flesh; of course you are under as great an obligation to maintain her as yourself.—*Pris.* The Scripture saith, whom God hath joined together let no man put asunder; but God never joined me and my wife together.

Court. Who then did?—*Pris.* I have told you who *did not*, you may easily judge who did.

Court. We suppose you are as much joined together as other married people are.—*Pris.* My family are now no more to me than any other persons.

Court. The laws of your Country require that you should maintain your family, and if you neglect or refuse so to do, you become liable to a serious

closely to the letter of the Scripture : and who, notwithstanding the remonstrances of the Court, like a consistent man, persisted

punishment.—*Pris.* I am willing to suffer all you think proper to inflict ; I expect to suffer persecution ; for the Scripture says, those that live godly in Christ Jesus, must endure persecution. I regard the laws of God only, and do not regard any other laws.

Court. You seem to have read the Scripture to very little profit, or you would not have failed in so plain a duty as that of providing for your own household.—*Pris.* The Scripture commands me to love my neighbour as myself, and I cannot do that if I suffer him to want when I have the power to relieve him. My wife and children have all changes of raiment, but I see many others that are half naked. Should I not, therefore, clothe these rather than spend my money on my family ?

Court. But your family cannot live upon their raiment ; they require also victuals.—*Pris.* They are able to provide for their own maintenance ; and the Gospel requires me to forsake father and mother, wife and children. Indeed it was contrary to the Gospel for me to take a wife, and I sinned in so doing.

Court. Have you any friend here ?—*Pris.* I have only one friend, who is above.

Court. Is there any person here who knows you ?—*Pris.* Mr. Banks knows me.

Mr. Banks being called upon, stated, that he should suppose from the recent conduct of the prisoner, that his mind was not in a sane state. Formerly he was an industrious man ; of late he understood that he had read the Bible with uncommon assiduity and fervency. He would absent himself whole days together, and retired into the woods and fields for the purpose of reading it. After some time spent in this manner he went away from his family, and refused to contribute to their support. His family contrived to carry on the business, and he bought of them what pieces they made. He understood that what the prisoner had said of giving away his earnings to objects of distress was correct.

The Court made another attempt to convince this deluded man of the impropriety of his conduct, but without the least effect ; he replied to all their reasonings by quoting appropriate texts of Scripture.—Nor would he even promise to permit his employer to pay to his family the small sum of five shillings weekly. He dared not, he said, make any promises or engagements of any kind. Nor was the attempt to work upon his feelings more successful ; his fanaticism had, apparently, rooted from his heart all the tender charities of domestic life. When it was intimated to him that one of his children was in a decline, he seemed perfectly unmoved ; nor did the tears of his wife, who implored him only to assist in paying the

in rejecting the authority of that **TRADITION** which the Judge most sensibly, but *catholically* urged him to admit. I consider this as an anecdote which should bring many to their better senses. For never was the triumph more complete of ignorance over sense, of folly over prudence, of fanaticism over religion.

But to convince you how wrongly Protestants harp upon this subject, I can assure you, that although for many years I have had the direction of a flock, consisting of some thousands of souls, I do not recollect that I ever interfered with, or expressed the smallest objection to any individual's practice of reading the Scriptures. Indeed, Sir, the Scriptures lie about in our Catholic families like any other book, for any one to open, and our Missals

debts contracted before he went away, in the least affect him. He coldly replied, that the landlord might distress for his rent.

The Court asked some questions of the Overseers as to the affairs of the family, the answers to which the writer of this did not hear; but they confirmed what Mr. Banks had said as to the manner in which he disposed of his surplus earnings, and expressed an opinion, that no benefit was likely to result by sending him again to the House of Correction. After some consultation with the Bench, the Recorder addressed him to the following effect—

“John Burnley—the Court are disposed to deal leniently with you, in hopes that better consideration will remove the delusion you labor under. For this purpose I would advise you to read your Bible with still greater attention, and ask the advice of some intelligent friends, particularly the Minister you attend upon. I would also beg of you seriously to consider, that all the rest of the world think it their duty to provide, in the first place, for their families; and you, surely, cannot suppose that they are all neglecting the care of their souls, and in the road to eternal destruction. This consideration should induce you to distrust your own judgment, and if you have any humility, and humility is a Christian virtue, you will conclude, that it is more probable that you should be mistaken than that all the rest of mankind should be wrong. Your wife has strongly expressed her wish, that no severity should be used towards you. Influenced by these considerations, the Court has ordered that you should be discharged.”—*Pris.* The Scripture saith, that darkness covers the earth, and gross darkness the people. And again, in another place, that the whole world lieth in wickedness. I know that the way of duty is in the path of suffering; but it is the path which our **Legislator** trod, and we must follow his steps,

and Common Prayer books as you know, are full of Scripture. I can, moreover, inform you, that since writing the last sentence, I have purposely interrupted this postscript to inquire of three other Catholic clergymen, (two of whom have superintended large congregations for near forty years, and the third for more than twenty) whether in the course of their ministry they ever interdicted any person from reading the Scriptures. You will not doubt then the word of a clergyman, when I tell you that they all answered in the negative, adding, that in their opinion, there is not a priest living in England, who has ever prohibited any one. Surely then, I think this broad and open declaration sufficient to shake Protestant prejudice; at least I am free to assert, that whenever Protestants return to cool reflection and calm inquiry, it will be to express their astonishment at the misconceptions they formed of the whole Catholic religion. Indeed they continually ask us, have you not changed? No, we answer, but you have.

There remains one more observation of your's to which I must reply before I withdraw—and which I think you have gone out of the way to make, for in my opinion it has as little to do with the theological question at issue between us, as with the discharge of the national debt, or the opening of the Indian trade.—You acknowledge that Catholics “constitute a respectable and loyal body: that they are attached to their sovereign and their country.” But their intentions must perpetually be checked by the intervention of that *external* allegiance they bear to the Pope, the head of their church. “The *strength* of that allegiance, and the warmth still excited by the object of it in the hearts of his true disciples, *I myself*, you say, have displayed, by exhibiting the Pope at the head of my pamphlet.” Therefore, you conclude, “the guidance of the constitution cannot be safely entrusted to those who *profess* such allegiance.”

My only motive, Sir, for placing the portrait of the Pope at the head of my CONGRATULATORY LETTER, was to show to you the point to which your principle would ultimately lead. But when you tell me that this is clear evidence of the external allegiance I bear to his person, I must be allowed to express my surprise, that a Margaret Professor of Divinity, at this time of

day, should need common information on the subject. I will not certainly attempt with you to weigh the comparative *goodness* and *utility* of Catholics and Protestants; I rest satisfied with your admission, that we are *good* and *useful* subjects. Yet I will not tamely allow any man to tell me, that I have divided my allegiance between my sovereign and another. Sir, you should have known that Catholics have renounced upon oath the recognition of any temporal authority of the Bishop of Rome in this empire, and consequently, whatever is commonly understood by external allegiance is solemnly disclaimed by us.

Therefore, though I have placed the portrait of the Pope at the head of my pamphlet, as I conceive you might exhibit the picture of Luther or Calvin without bringing your loyalty under suspicion, I neither owe the Pontiff, nor will I pay him, the homage of any *external* allegiance. And though I acknowledge in him the spiritual character of Chief Bishop, and Supreme Pastor of Christ's Church, surely that is easily distinguished from the character of a Sovereign, of a Prince, or of a Civil Legislator. In the same manner, the Catholics admit a spiritual brotherhood and fellowship between themselves and the Catholics of other countries; for instance, those of France, and believe that even those who die in arms against us, as children of the same spiritual mother, are intitled to and benefited by those prayers, which in the same spirit of charity we offer for our enemies as well as our friends.—But has any one heard that this principle ever led to any confusion in battle, and that the privilege of church fellowship was pleaded by Catholics, to persuade Catholics not to fight and kill their Catholic opponents? Has Lord Wellington ever found by experience that his Catholic soldiers were influenced in their duty by their religious principles, and that it was sufficient “perpetually to check their *best intentions*?” I can assure you, then, that as it is easy for a man in battle to distinguish between the character of a soldier and a *spiritual brother*, so it is as easy for Catholics to distinguish between the temporal and spiritual authorities of Popes and Councils, and to act upon the principle of that distinction. Till the year 1471, all Scotland was subject to the Metropolitan See of York—yet bloody wars had frequently been waged between

the Scotch and English—and during the Heptarchy, the authority of the See of Canterbury was acknowledged in many hostile kingdoms, without any inconvenience to the temporal authorities. (See Wilkin's Councils, Vol. iii. p. 606.) You were wrong, then, in confounding things which are so perfectly distinct in themselves.

London, March 20th, 1813.

SUBSTANCE

OF THE

SPEECH

OF

JOHN BRUCE, ESQ. M. P.

IN THE

COMMITTEE OF THE HOUSE OF COMMONS,

ON THE

Resolutions

RESPECTING

INDIA AFFAIRS,

MAY 31, 1813.

1813.

Vol. II. *Pam.*

No. IV.

2 F

SUBSTANCE OF A SPEECH,

&c. &c.

ON the 31st May, 1813, on the Motion, in the Committee of the Whole House, that the First Resolution, respecting East-India Affairs, should be taken into consideration, Mr. Bruce introduced his observations on the subject, by stating, that his object was to submit to the consideration of the Committee, in the shortest practicable manner, the series of events, which had marked the progress and actual state of the East-India Company's affairs; leaving it to the unbiassed judgment of Members to draw, from facts only, such inferences as might enable them to form their opinions on this great national question.

If the arrangement of Indian affairs, at this crisis, led only to the abstract question, whether an open trade, or a regulated trade, would be most for the advantage of the kingdom, little more could occur, than arguments leading to conclusions, upon which a speculative system of Indian affairs might be devised; but if the question shall be allowed to assume its true character, whether British India, and the trade to the countries within the Company's limits could be best preserved for the public advantage, by adhering to the system which now exists, with such modifications as could, in any way, consistently with the preservation of that system, meet the expectations of the numerous claimants for the open trade?—or, whether the existing system of Indian affairs shall be, at once, abandoned? it would require, indeed, very serious reasons to support such a measure, and will impose an awful responsibility on those,

who may devise or bring about such a political and commercial innovation. The following subjects, Mr. Bruce observed, would necessarily require attention, before any decision, founded on fact, or on experience, could be effected:—

1. *The successive Rights of the Company*, in the exercise of which they have acquired and administered the Indian Empire, and the commerce which has been inseparably connected with it.
2. *The Experience of more than two hundred years*, during which the commerce of Great-Britain with the East-Indies, has been preserved to the realm, by means of *Exclusive Privileges*, notwithstanding a succession of attempts at partial, though not equally great changes with those which are projected.
3. An enumeration of the *Losses and Damages in India, and to the China Trade*, which, he apprehended, a deviation from the existing system of Indian affairs might produce.
4. A short examination of the *Sources of the Applications for an Open Trade*; of the *proposed Resolutions*; and of the *Evidence* subsequently laid before the House by the Company.

Before entering upon any of these subjects, Mr. Bruce observed, that it was not his intention to enter into any discussion respecting monopolies, or whether the East India system could be classed, by any man of sound sense, under that unpopular denomination; because, however acceptable this species of reasoning might be to those who are accustomed to argue from hypothesis only, all that could be said on the subject, would, to men of experience and knowledge of Indian affairs, appear useless, and to those who were resolved to be the dupes of their own speculations, irrelevant.

He, therefore, proposed to limit the whole of the observations which he had to offer, to the subjects which he had enumerated.

In adverting to the *Rights* of the East-India Company, in the exercise of which they had acquired and administered the Indian Empire, and preserved a direct trade between England and the East-Indies, he shortly detailed the following series of facts.

The Company were constituted by Queen Elizabeth a Body Politic and Corporate, with succession, with power to acquire and

dispose of property in England, and to acquire by purchase, or by treaties with the Native Princes, such stations, within their limits, as might become factories or seats of trade. In explanation, he remarked, that this Charter, like a law, was perhaps better understood by referring to the events and circumstances under which it was granted, than by the mere letter of the Charter itself.

The connexion between England and the Seventeen Provinces of the Netherlands had existed for ages, and had been of commercial importance to both countries. When Charles V. reduced the whole of the Seventeen Provinces to his obedience, he allowed the Seven Northern Provinces to retain many of their civil rights; and as, at this period, the reformed religion, of which the Queen was the avowed protectress, had made considerable progress in those Provinces, she secretly encouraged the Protestants in the Netherlands, at the time that Philip II. was endeavouring to establish absolute power, and the Inquisition, in his Flemish dominions. These circumstances produced the Union of Utrecht, in 1579, and laid the foundation of the government of the States General of the United Provinces, which, under the direction of the first Prince of Orange, asserted and maintained the independence of the Dutch.

The territory which the Dutch possessed was narrow, and, with the exception of its natural maritime strength, afforded resources that were unequal to raise and to maintain a force sufficient to oppose the armies and fleets of Spain. The States, therefore, armed and equipped ships, which they sent to the East-Indies, partly with a view of making prizes from the Spanish-Portuguese fleets (Spain and Portugal being then united under the same sovereign) and partly with a view of finding resources from trade, by which they might defend the independence of their country in Europe.

The success of the Dutch, in this enterprise, was necessarily known to the English merchants, who formed, in London, an *Association of Merchant Adventurers for trade to the East-Indies*, and applied to the Queen for a Charter of Incorporation, that, by their equipments and trade, they might open a direct intercourse between England and the East-Indies.

With that cautious policy, which distinguished this wise sovereign, the Queen, (though induced to listen to the application of the Merchant Adventurers, from their desire to enlarge that ma-

ritime power by which she had preserved the independence of her crown against the Armada of Spain, in 1588,) required a report from them on the countries to which they proposed to trade, that she might not involve herself in contests with the maritime powers with which England was in alliance; and, after subjecting this report to the examination of the celebrated Fulke Greville, she granted the Charter to the London East-India Company, the terms of which have been mentioned; leaving thus to her country an example, that the grant of the Charter was founded on a previous and full examination of the facts and circumstances, which induced her to accede to the wishes of the Association which had solicited her protection.

The Queen, also, anxious for the encouragement of the commerce and navigation of her subjects, and at the same time, willing to confer her protection on that portion of her subjects who had advanced their property, and were about to adventure their lives, in the undertaking, granted them *Exclusive Privileges* of trade for fifteen years, that she might have opportunities to ascertain, by experience, whether the plan would tend to the benefit or advantage of the realm. Hence the rise of the distinction between the *Chartered Rights* of the Company, and their *Exclusive Privileges of trade*; the one making the Company a Corporation, with succession, the other conferring a temporary privilege, which the Crown was to continue or not, after a limited term, according as the measure might be found advantageous, or not, to the kingdom.

The result of this wise policy was not known when Queen Elizabeth died: and her successor, James I., had scarcely assumed the reins of government, when his narrow resources induced him to grant licences to Michelbourn and others, to try experiments in the East-India trade, in direct opposition to the existing privileges of the London Company, which he professed to support; but the experience of a few years convinced the King, that the innovation was dangerous, as (putting the losses and sufferings of the London Company out of view, either of the few factories which had as yet been formed, or of their ships and property) it threatened the very existence of the direct trade between England and the East-Indies; and therefore, in 1609, the King renewed the Charter of Queen Elizabeth, with more ample powers for acquiring new factories and possessions, and granted them the exclusive privileges of trade

to the East-Indies "for ever;" with the same reservation, however, as in their first Charter, "that should this trade not be found profitable to the kingdom, it was to cease and determine after three years' notice."

The effect of this Charter was to produce additional subscriptions from the Adventurers, and larger equipments, which excited the jealousies of the Dutch, who, by this time, were subverting the Spanish-Portuguese power, and establishing their monopoly of the finer spices in the Banda and Molucca islands, and at Ceylon; which led to those massacres, at Amboyna, &c. which had nearly upset all the rights that the London Company had either purchased or acquired;—and it is memorable, that this Charter of 1609 was granted in the same year that the Truce of Antwerp was obtained by the Dutch, which indirectly recognized their independence; and that the massacre at Amboyna took place nearly at the expiration of this truce, when the independence of the States Général was recognised and established.

It is painful to look at the difficulties which the London Company had to meet, during the reign of the unfortunate Charles I.; though it is only a simple reference to facts to mention, that, during this period, the Dutch power became predominant in the East-Indies, and that the King, from his want of resources, granted licences to his own subjects (Courten and others) to make encroachments on the Company's trade, and to form rival factories, at stations where it was supposed the Company had not established seats of trade. This Association from not being under any regular direction at home, had nearly upset the connexion between England and the few seats of trade which the London Company had acquired; and, indeed, endangered their factories, from the then powerful empire of the Moguls, which embraced almost the whole of the coasts of the Peninsula of India while the consequences were, that these Adventurers themselves experienced the calamities, which they had previously brought on the Company's trade and servants; and hence, from temptations to return with some proportion of gain, they mingled their trade with piracy.

Amid the domestic calamities which upset the monarchy, the Usurper was fully aware of the importance of extending the navigation and commerce of the realm; but, having been raised to power,

by the prevailing disposition to innovation, he, at length, listened to the speculations for an open trade to the East-Indies; yet, after an experiment of three years, he and his Council of State, after a full examination of the London Company's Governor and Committee, and of the Merchant Adventurers, decided, that the direct trade to the East-Indies could only be preserved to the realm by restoring their rights and exclusive privileges to the London East-India Company.

After the Restoration, while advantage was taken of the experience acquired by the extension of the navigation and commerce of the kingdom, during the Interregnum, the rights of the East-India Company were fully restored to them, and the attempt of forming a government and trade at Bombay (to take possession of which, as a settlement of the Crown, ceded by Portugal, was part of the dowry of the Queen, the Earl of Marlborough, and Sir Abraham Shipman were sent out with a naval and military armament) terminated in the King transferring the Island, such as it then was, to the London Company, to be held, not as sovereignty, but as a freehold property, for a quit-rent payable to the Crown.

The King also subsequently granted to the Company, by Charter in 1674, the island of St. Helena, in a similar manner: so that now the Company not only had two possessions equivalent to freeholds (Bombay and St. Helena) granted to them by the Crown, but by five successive Charters of Charles II., a confirmation of their rights to those settlements which they had purchased and acquired in the Peninsula of India; and a right to embody and govern by martial law, the guards of their factories;—and, by a Charter of King James II., in 1686, they were allowed to coin any species of money usually current in India.

The change of government, in 1688, produced two new events; one on the revenue of the kingdom, and the other on the trade to the East-Indies. The revenues, which hitherto had been narrow, and not equal to maintain either the alliances or the armies and fleets required to resist the General monarchy projected by Louis XIV., called for loans, to meet the permanent interest of which, taxes were imposed; and thus was created what has, since that period, been termed the National Debt. The other change was, that as those loans could only be drawn from an enlargement of trade

and navigation (for the plan of forming a Bank by the landed interest failed) demands were made on the mercantile interest, in general, and on the East-India Company, in particular, for a proportion of those loans.

The Company offered seven hundred thousand pounds, at 3 per cent.; but this sum not being equal to the wants of the state, a new Association of Merchants offered two millions, at eight per cent., which was accepted. The *General Society* was accordingly formed, which was to proceed on the plan of each stock-holder being intitled to trade, separately, according to the amount of his subscription. This project was only a cover to the scheme of subverting the London Company; and what is memorable is, that it was conducted by their old servants, many of whom had returned to Europe, under feelings of disappointed ambition. In two days, however, after its establishment, the *General Society* applied for, and obtained a Charter, constituting them a new East-India Company, distinguished from the London Company, by having their Charter founded on an Act of Parliament, while the London Company had, hitherto, rested on grants from the Crown only. Experience, however, and a knowledge of the natives, favored the Old, and obstructed the New Company; while a conviction, in the Sovereign, and the result of experiments abroad, led the King to recommend a union of those rival Companies, the basis of which was settled, and during his reign, effected by the award of Lord Godolphin, early in the reign of Queen Anne, which formed the existing "*United Company of Merchants of England trading to the East-Indies*."

From the Union of the two Companies in 1707--8, to the Peace of Aix-la-Chapelle, in 1748, the chartered rights of the United Company were successively recognised and extended, by a series of Acts of Parliament during the reigns of Queen Anne, George I., and George II.; for by the Act, 10th Queen Anne (1713), it was enacted, that the exclusive privileges of trade to the East-Indies should be continued to the Company, till three years after the 25th March 1733; and by an Act, 3d George II. (1730), it was declared, that the Company should continue a Body Corporate with perpetual succession, with a right to trade to the East-Indies, in their corporate capacity, notwithstanding the redemption of their capital stock, and the determination of their exclusive privileges;

which exclusive privileges were, by this Act, farther renewed to the Company for thirty-three years, or till three years after the 25th March, 1766.

This Act was farther confirmed by the 17th George II. (1744), when the Company's exclusive privileges were extended, for fourteen years longer, or to three years after 1780; they thus had their exclusive privileges uninterruptedly continued to them for fifty years, or from the 25th March 1733, to the 25th of March 1783.

Several important events occurred, in the long period from the union of the two companies, to the Peace of Aix-la-Chapelle, which gave a new character to the situation of the United Company's possessions and trade, both in England, and in the East-Indies.

The French power and trade, in India, were rapidly increasing on the Coromandel Coast, while the events in the Peninsula of India, from the fall of the Mogul and Marhatta empires, and from the death of the Nizam-al-Muluk, led to the rise of lesser independent states, founded by military adventurers, who were considered, in England, as native Princes. These events not only changed the relative situation of the Company with their foreign stations and trade, but began to hold out temptations to the Rival European Companies, particularly the French Company, to acquire territory in India, and to expel the English from their factories and trade. Hence the Maritime powers in Europe were forming stipulations, in treaties, suited to preserve the interests of their respective Companies, at a time when the political anarchy in Hindostan was not understood in Europe:—the rights of the Company, therefore, were considered to be important subjects of public interest, and their exclusive privileges of trade, the necessary means of enabling them to hold out against the encroachments of their European rivals.

The rights which the Company had acquired, by their former charters, to their factories or possessions, were continued to them, from 1748 to 1763, and were extended and explained by successive grants, during this period, viz. to erect courts of judicature, to make distributions of prize money, &c. The Company's factories, during this eventful period, which, hitherto, had been protected by small guards, were turned into military stations, and distinct armies formed, whose conquests on the Coromandel Coast, under General

Lawrence and Colonel Ford, and in Bengal, under the great Lord Clive, acquired what has, since that period, been termed "*British India*." Though the Company were assisted in making these conquests, by a small proportion of the King's forces (Adlercron's and Draper's regiments,) yet those regiments were disbanded in India, at the Peace, and many of the officers and men embodied with the Company's troops.

The situation of the East-India Company's affairs from 1763 to 1784, from the magnitude of their territorial acquisitions, soon after the peace of 1763, became subjects of parliamentary inquiry and report. Exclusive privileges of trade had been previously granted to them, by the Act 1744, up to March 25th 1783; but as an opinion prevailed, on the one hand, that the Public were intitled to a proportion of the revenues of the conquered provinces, and the Company, on the other hand, considered them as acquisitions which their armies, aided by the King's fleets, had obtained, it was agreed by the Act, 7th George III. (1767,) that the Company should pay £400,000 per annum, for two years, to the Public, that they might be enabled to consolidate the government of the territories which their armies had acquired. In 1769, a similar agreement was made by the Act, 9th George III., by which the territorial acquisitions were to remain with the Company for a further term of five years, on paying to the Public the sum of £400,000 per annum.

In 1773, however, the Company, being under considerable pecuniary difficulties, were obliged to apply to Parliament for a loan of £1,400,000; and it was agreed by the Act, 13th George III., that the Public should forego their claim to any participation in the territorial revenues, till such time as this loan should be repaid, and the Bond debt of the Company reduced to a specified sum.

The Company, in 1779, having fully repaid this loan, and reduced their Bond Debt to the specified sum, it was agreed, by the Act, 19th George III., that the territorial acquisitions should be continued to them for one year longer, or till the 5th April 1780, without paying any compensation to the Public; and in this Act the clause, "*saving the rights of the Crown, and of the Company*," was first introduced. Previously to the expiration of this last Act,

it was deemed expedient to continue the territorial acquisitions in the possession of the Company, for one year longer, or to the 5th April 1781, which was accordingly enacted by the Act, 20th George III. (1780 :) but no compensation was paid by the Company to the Public for the same.

The Company's exclusive privileges of trade, granted under the Act 1744, being, at this time, nearly expired, they petitioned Parliament for a renewal thereof, and having agreed to pay to the Public the sum of £400,000, in discharge of all claims in respect of the territorial acquisitions, up to the 1st March 1781, it was enacted by the Act, 21st George III. (1781,) that the exclusive privileges of trade should be renewed to the Company, till March 1st 1794, and that the territorial acquisitions should remain with them during the same period, without making any additional payments to the Public for them. In this Act the clause is again introduced, *"that nothing therein contained should extend to prejudice or affect the rights or claims of the Public, or of the Company, respecting the said territorial acquisitions or revenues."*

An important change, however, was introduced, in 1784, and which has been continued to the present time, in the administration of the Company's domestic and foreign affairs; or allowing the administration, as well as the trade, to continue with the Courts of Directors and Proprietors, but constituting a Board of Commissioners for the affairs of India, with powers to superintend their *political, financial, and military* operations, and leaving the management of their commerce to the Directors, as the representatives of that body, whose property, or stock, under its various amounts, had created, preserved, and brought the East India trade to its existing magnitude and importance.

The interests of the East India Company, domestic and foreign, from 1784 to the present time, as far as regarded the mixed administration of their affairs, at home, by the Court of Directors, and by the Board of Commissioners, remained nearly in the same situation, till the passing of the Act, 1793, which, like the preceding Act, waived the question of the respective rights or claims of the Public, and of the Company, to the territorial acquisitions, and revenues, yet left them in possession of the Company. It is memorable, on this occasion, that the exclusive privileges of the Company, and th^o

claims of those who wished to participate in the trade, were fully examined, before the resolutions were formed, on which the Act was to proceed :—The claims from the Proprietors of Mines in Cornwall, from Exeter, from Manchester, &c. were sent by the President of the board, to the Chairman, and explanations received from the Committee of Correspondence :—The resolutions were then sent to the Directors, and communicated to the Court of Proprietors, and then finally returned to Ministers, and, by them, brought forward, as the basis of the Act of Parliament.

Several events had occurred in India, which required that a considerable proportion of His Majesty's military forces should be stationed permanently in the East-Indies. The restoration of the French settlements, at the Peace of 1763, had again given an opportunity to that restless government, to attempt, during the war which followed in Europe, to excite commotions among the native chiefs, that menaced the safety of the provinces which the Company had acquired, at the Peace of 1763 ; and though it is unnecessary to describe events, which live in every man's recollection, it is impossible not to refer to the able policy of the venerable Mr. Hastings, and of Lord Cornwallis, and to the energy and wisdom of the Marquis Wellesley, which tended to confirm the English provinces in their allegiance, to expel the French, and to establish the paramount power of Britain in the Peninsula of India.

In the course of the wars, during this period, which were supported chiefly by the resources of the Company, conquests were made jointly by their armies, and by the King's troops. A political change, however, took place in the countries within the Company's limits : for the Cape of Good Hope, Ceylon, the French Islands, and recently the Dutch Islands, have been placed under the Crown, while the trade to them has been, in a great measure, conducted by the Company.

From the whole of these events and facts, regarding the charter granted to the London and to the English Company, and the Charter to the United Company, extended and explained by a series of Acts of Parliament, it follows, that the "*Permanent Rights of the Company are, to be a Body Corporate, with succession; to purchase and alienate lands in Britain; to form settlements, build forts, appoint governors, coin money in India, erect Courts of Judi-*

cature; and raise and maintain forces in India; and to trade to the East Indies on a joint stock, though their exclusive privileges of trade should cease and determine;" and their exclusive privileges of trade were, by the Act 1793, so far accommodated to the demands of the private merchants, as to afford them a proportion of tonnage for their imports and exports, in the Company's fleets, without incurring the risks of illicit trade to foreign countries, or of smuggling, by making the exports and imports subject to the regulations at the India House, and to the governments of the Company abroad.

The question, therefore, that is now to be decided is,—whether the *Permanent Rights* of the Company can be taken from them; and if this can be done, whether they have not a legal and equitable right to reimbursement, for the immense sums which the acquisition of them has cost, for more than two centuries?

Mr. Bruce next requested the attention of the Committee to the experience of more than two hundred years, during which the Commerce of Great Britain with the East-Indies, has been preserved to the realm, under exclusive privileges of trade, notwithstanding a succession of attempts at partial changes.

On this subject he observed, that it would be proper to advert to the circumstances, that the exclusive privileges were originally conferred on the Company, to enable the adventurers to obtain a fair return for the capital which they had embarked, for establishing a direct trade between England and the East-Indies; next to enable the Company to enter into a competition with foreign Companies, and to draw the balance of the East-India trade in favor of Britain; and, lastly, to enable them, through their trade, to realise, for the Public, the commercial advantages and revenues which were connected with the territorial possessions.

The first infringement made on the Company's exclusive privileges, was the licences granted to Michelbourn and others, by King James I., and to the Associations of Courten, &c. during the reign of Charles I., which terminated in successive losses to the Company's trade and factories, in the exposure of many of their servants to imprisonment and death, in the ruin of the licensed individuals and associations, and in the introduction of piracy in the Indian seas.

A second infringement on the Company's exclusive privileges took

place during the Usurpation, by the Merchant Adventurers, who were allowed to fit out large equipments. By the interferences of those merchants, they not only overstocked the Eastern markets with European commodities, and lowered the prices of them, but raised the prices of Indian produce, and brought goods of inferior quality into the European markets; and this, notwithstanding the strong hand with which the Protector over-ruled the Dutch, obliged him, and his Council of State, to recognise the principle of preserving the trade of the East to the kingdom, by restoring to the East-India Company their exclusive privileges.

An indirect attempt on the Company's exclusive privileges took place in 1679-80, by private English merchants fitting out ships at Cadiz, for trade to the East Indies. The crews of these *interloping vessels*, (as they were then denominated,) frequently became pirates which exposed the Company's factories to heavy losses, and their servants to great danger, from their persons and property being seized to make good the losses of the natives: hence this project, also, was laid aside.

Another infringement on the Company's exclusive privileges took place during the reign of King William, who, from being partial to the Dutch establishment of several Companies, formed the English East-India Company, in the manner which has been described, with the object of creating a competition in trade between the two Companies: but the experience of a very few years satisfied this wise sovereign, that by such competition, the East-India trade and factories might be lost, and induced him to recommend an Union which (as has been observed) was effected in the reign of Queen Anne.

The next infringement, in point of time, on the Company's exclusive privileges, was *indirect*, arising from foreigners, combined with the speculations of English and Dutch smugglers.

After the Port of Ostend was declared a Free Port, in 1714, Dutch and English ships were cleared out, on Dutch and English capitals, and opened a trade, under the Imperial Flag, with the East Indies, to the detriment of the British trade and revenue; the evils from which, formed the subject of remonstrances to the Court of Vienna, and of successive Acts of Parliament to prevent smuggling of Indian produce into England.

Another infringement on the Company's trade, arose from the circumstance of the Danes having factories in the Peninsula of India; and so far their trade was not an infringement of the exclusive privileges of the Company; but this suggested the project of fitting out ships at Copenhagen, on British capital, and obtaining returns, not from the sales of the cargoes only, but by *Respondentia Bonds*, for money advanced by British subjects in India, bearing a high interest, and payable nine months after the arrival of the ships at Copenhagen; a project which diminished the British re-exports to the North, and produced a considerable smuggling of Indian goods into Britain.

The last infringement on the Company's exclusive privileges has arisen from the French Revolution, which has involved this country in war for more than twenty years, during which period, the Americans have interfered in the India, and China trade, as *Neutrals*, without being exposed to the charges of maintaining settlements, and have been allowed the advantages of this trade, in the vain hope that it might prevent their co-operation with France, in its revolutionary wars; and it is certainly a hard circumstance, that the policy of the state should allow such an indulgence to our now enemy, and harder still, that their success, as *Neutrals*, under this indulgence, should be founded on by the petitioners against the Company, as a reason for divesting them of their privileges; though in the exercise of those privileges; the Company have acquired the Indian Empire, and preserved to the kingdom almost the exclusive trade to the East Indies.

Mr. Bruce stated, that his third object was, *an enumeration of what appeared to him to be the losses and dangers in India, and to the China trade, which a deviation from the existing system of Indian affairs might produce.*

The losses in India, he explained, might be considered, both as *commercial and political.*

The first commercial loss might be, that the *regular annual demand of the Company would be diminished, and the provision of investments would no longer be an encouragement to the cultivators and manufacturers of Indian produce.* This danger was best illustrated by a reference to former revolutions in India. After the fall of the court of Delhi, there remained no seat of luxury and magnificence for the consumption of the finer productions of the East; and it was

the event of the establishment of the Company's power, that revived this demand for the produce and manufactures of India :—The encouragement given by the Company's governments and servants to the natives, has placed them in a state of safety and prosperity, unknown under the arbitrary governments to which they had been subjected ; and, at the same time, prevented the irregular and dangerous interference of European adventurers with their superstitions and usages, who, without such control as has been kept over them by the Company's servants, might have produced an anarchy leading to the loss of an empire, founded, as Mr. Hastings termed it, "*on the breath of opinion.*"

A second commercial loss might be, *the depriving the natives of that pecuniary assistance which they, at present, receive, by advances of money from the Company's governments.*

'It is this advance of money to the native cultivator, manufacturer, and merchant, that enables them to provide articles to be ready at the season of export, and thus affords a regular supply for the British and European markets :—This no private merchant could attempt, because, whether his capital be equal to such an undertaking or not, is not the question ; for the natives, from habit, have a confidence in the Company's servants, which they cannot be supposed to place in strangers, as the private merchants would be, notwithstanding any regulation which the wisdom of government might devise.

A third commercial loss might be, *the interruption of the circuitous commerce of the Company in the countries within their limits,* which consists of a *Country Trade*, under regulations by government, which are fully understood. This arrangement enables the Company, though with frequent losses, or inconsiderable profit on particular articles, not only to supply the several parts of the Peninsula, but also to furnish to China, proportions of Bullion and Indian articles, which have progressively lessened the demand for bullion from Europe, which that country, for many years, would alone take, and which foreigners, particularly the Americans, are obliged to pay.

The last commercial loss might be, *the interruption, if not the total ruin of the China trade.* The idea of opening the trade to India, but not to China, must have arisen with those only, who did

not advert either to the existing relations between the Indian and the China markets, or to the peculiar and impracticable character of the Chinese government.—If the trade should be opened to India, and the exclusive trade to China be proposed to be continued with the Company, the scheme would be found unwise, if not impracticable; both because the strictest regulations have been established by the Directors, and the Company's foreign governments, to prevent irregularities in the country ships which proceed from India to China; and though these regulations have, in general, been effectual, yet the Company's supracargoes at Canton have been exposed to serious disputes with that singular government, in consequence of occasional irregularities. It will be recollected, that the Chinese have established a company, of what are termed *Hong, or Security Merchants*, who are responsible to the government, and that the least irregularity requires the persons committing it to be seized and punished; or if he cannot be found, the punishment is inflicted on some other British subject. It is, therefore, the high character of the Company's servants, for regularity in their conduct and dealings while they remain at Canton, that has alone preserved the trade, and no regulations that could be established in Britain, would be attended to by the Chinese government; hence this most venerable branch of the Company's trade would be endangered, if not lost. If the free traders should be allowed to pass the Straits of Malacca and Sunda, and to enter the Chinese seas, they not only would have opportunities of smuggling opium into China (which is prohibited by the Chinese government) but could obtain China produce, though of inferior quality, from the junks, and find places of deposit for them, both in the Spice Islands (the Moluccas and Bandas) and at the other Malay Islands (Borneo, Celebes, &c.) where, as in former times, there might be a probability of piracy, which would break the connexion established between the Company and the port of Canton, and bring disgrace on the British character.

If these *commercial losses* are probable, the *political losses* are equally to be apprehended.

In the first place, it would be impossible to preserve the *Alliance of the Natives*, in the British Indian provinces, to any form of government, but that which they have been accustomed

to consider as engrafted on the Mogul, or native establishments; and though the Company can act as feudatories of the native governments, it would be a difficult circumstance, indeed, to find any new body, subordinate to the Crown, in England, in which this feudatory character could be vested, on the extinction of the East India Company;—and, therefore, though in theory, regulations might be framed for this purpose, the attempt to carry them into practice, by force, would produce that anarchy, which might terminate in the loss of the British possessions.

The introduction, in the next place, under any regulations, of adventurers not under control, would necessarily produce *Colonization*. If the plan be to allow an entrance to the European traders to the principal seats of government only, the impossibility of preventing the entrance of individuals into the interior is obvious, and the consequences have been fully established, by the evidence before the House and the Committee.

The greatest, and perhaps the most obvious political loss, in the third place, would be, that of dismembering the *civil and commercial relations* by which the British possessions are, at present, maintained, and of alienating the *attachments and allegiance of the native military force*, by which their territories have been acquired and are still preserved. The fullest evidence has been obtained of the character of the natives, the simplicity of their habits, and their attachment to their usages; and it has been a uniform instruction to the civil and military servants of the Company, on no occasion to offend against them. Whether the prejudices and the usages of the natives, or indeed of any other people, accord with European, or rather British, notions of propriety, is not the question; for among every people, and in every age, prejudices and usages have been found an over-match for reason, and frequently for morality.

The last political loss would be, what is obvious at home;—the loss of an *auxiliary marine*, which, in the hour of danger, has, on so many occasions, been an important addition to our navy, and contributed to our national safety;—the loss of establishments, formed at the expense of many millions, for creating and preserving this marine;—and the loss of a revenue (amounting, at this time, to about £4,500,000) from the Company's trade, collected with facility, and with moderate charges: and it is yet to

be ascertained, what compensation more than *one hundred thousand people* must receive, who are either directly employed under the Company, or indirectly supported by the exports they send to India and to China, and by the sale of the imports, they bring from both countries; without saying any thing further, than, by a reference to the capital stock of the East India Company, amounting to the sum of twelve millions sterling, and subscribed for, in the year 1793, on a reliance on the continuance of the Company's government and trade.

Mr. Bruce next requested the attention of the Committee, to a few remarks on the *sources of the Applications for an Open Trade*; —on the *proposed Resolutions*, printed by order of the House, on the 22d March 1813; —and on the *Evidence* subsequently laid before the House, by the Company.

The first source of these applications, as far as can be ascertained from facts, was a *supposed increase of Tonnage, Exports, and Imports*. It has been assumed as a fact, but without either estimate or evidence to support it, that the Open Trade to India, and subsequently to China, would rapidly tend to increase the tonnage to an indefinite extent. It has not, however, been even attempted to be shown, either by estimate or evidence, that the ships of the private merchants, of 350 tons, from the river Thames, and much less the ships from the Out-ports, would equal the known tonnage of the Company. That they would do so, is mere assertion, and assertion by classes of petitioners, many of them inland, and none of them presuming on any thing, but that the free trade would extend their shipping to an immense amount. It has not, in the same manner, been attempted to be shown, either by estimate or otherwise, what the amount of the exports would be; for not a single new article has been specified as intended to be exported. In like manner, it has been asserted, that there would be a great increase of the imports of Indian produce: but if Indian manufactures could be brought home, and sold in fair competition with our home manufactures, the free merchant and manufacturer would probably be soon as much at variance with each other, as they are now united against the East India Company.

Another source of these applications is, the general right of all British subjects to trade to all countries, subject to the British power, or connected, by the relations of amity, with Britain.

Had the territorial possessions of the Company been, like our ancient North American Colonies, formed and maintained for centuries, by the British Government, and defended by the British arms, the general right of British subjects to trade to them would be undeniable; but the Indian possessions do not come under this description, for the ancient factories of the Company were purchased, or acquired, by cessions from the Native Powers, for valuable considerations. It is little more than half a century since the Indian possessions were conquered by the Company's arms, and administered on the basis of the native governments, of which they were the professed subordinates; and can an equal right be asserted by those, who have had no share in embarking either their property in acquiring such a territory, or risking their lives in preserving it, as by those who have actually acquired and preserved our Indian dominions?

On the *proposed Resolutions*, Mr. Bruce observed, that he must confine himself entirely to those which were laid before the House, on the 22d March, the alterations, or additions to which, he had only been possessed of, for a few hours; and then stated, that though the first Resolution proposed to continue the Company's privileges, the exceptions to it, in the subsequent Resolutions, so weakened those privileges, as to render the exercise of them impracticable. Is it to be understood by "*the continuance of their existing privileges*," that the Company's right of property to their ancient seats of trade, is to be admitted, and their claims to the territorial acquisitions waved, as in former Acts, and that the exceptions in the subsequent Resolutions, referred to the trade only?

2. That though the *exclusive trade in Tea* is, by the second Resolution, to remain with the Company, the other China exports (nankeens, raw silks, &c.) are not specified. If the open Traders are to be allowed to pass the Straits of Malacca to the Spice Islands, &c. they might then interfere, as has been stated, with the China trade, and thus not only all kinds of China exports, but even *Tea*, by illicit connexions, between the Eastern Islands, and the coasts of China, might become part of their homeward assortments, and thus most materially diminish the Company's sales, for home consumption, and the re-export of that valuable article; and it is

remarkable, that no provision is made, in any of the Resolutions, for the same open sales and public competition at the Out-ports, which have been carried on, with so much benefit to the Public, by the East-India Company; not is it specified, whether the usual exports from England to China, and from India to China, are to be, as at this time, exclusively carried on by the Company, or not. Can any security be given, that the Open Traders, if they are allowed to enter the China Seas, will not purchase Banca tin, at a cheaper rate than they can carry out the tin of Cornwall? Is it to be a provision, that they are to export Devonshire Long Ells, even at a loss; or is that export to be given up? and is there any security, that the Open Traders will return to Britain, and not go to North America, Spanish America, or even to ports in Europe, where they may sell both ship and cargo?

3. That the exception, in the third Resolution, which *lays open the trade to India to such ports as have warehouses, wet-docks, or basins*, or may volunteer the building of them, certainly renders the imports of the Company, from India, less, by the proportion or quantity which the Open Traders may import to the Out-ports; and if the capital stock of the Company is proposed to be employed in this trade, it will make the returns inadequate to pay, even the existing dividend on it.

4. That the Appropriations of the Territorial Revenues in India, by the fourth Resolution, (viz. to the payment of the civil and military establishments in India, and interest on the Indian debt) can leave but a small surplus, either for investment, or for remittances to China. Is it intended that the Company are to keep up their commercial establishments in India, when the commerce is to be divided between them and the Open Traders? If so, the proportion of trade which they are to carry on in India, and the China trade, would be liable to the same charges, as at this time; though the whole now yields to the Proprietors little more than the legal interest of money in England.

5. That the Appropriations of the Commercial profits in England, by the fifth and sixth Resolutions, (viz. to the payment of bills of exchange, debts, interest, commercial charges, dividend of ten and a half per cent. on the capital stock, and reduction of the Indian Debt, and Bond Debt in England) seem to be utterly

impracticable. It cannot be expected, that the Company can pay even their commercial charges in England, amounting to above £190,000 per annum (including £40,000 per annum to the Commissioners for the Affairs of India) and the dividend of ten and a half per cent. on their stock, from the crippled trade to India, and from the profits on tea only, to say nothing of the other extensive appropriations; nor can Government suppose, that the India Proprietors will feel their stock to be safe, if it is to be employed in a commerce so narrowed and so burdened; for, if they do so, an ultimate, if not an immediate, bankruptcy must be the result.

6. That by the eighth Resolution, the Company are to be farther limited from granting pensions and gratuities to meritorious and deserving officers, though this is the only mode they have left to them, of rewarding long and approved services. It need not be mentioned, that the Company have no honors to confer, but only such rewards as they may consider eminent services may merit; and if divested of this power, their servants would be left, in many instances, friendless, or perhaps in distress. If a provision of this description had formerly existed, the venerable Mr. Hastings, to whom may be ascribed the preservation of the conquests of Lord Clive, and who gave so impressive a proof at the bar, of talents and services, could not, in his own elegant language, "have received that bounty from the Company, from which he now derived his subsistence."

7. By the Act of 1793, the appointment of Governors and Commanders-in-chief was left with the Company, as well as an express power of recall; but, by the ninth Resolution (March 22d, 1813) though the appointment, nominally, is to remain with the Company, yet the King's approbation is to be given under the Sign Manual, countersigned by the President of the Board of Commissioners; and it is not specified, that any power of recall, in case of mismanagement, is to be left to the Company: so that, in fact, a *Congé d'Elire* is to be issued to the Company to appoint, provided the King and the President approve; but without leaving to the Company the selection of those persons, who, from long and faithful services, might be presumed to be best qualified to fill those situations; or the power of recalling those, who, in fact, were to be appointed independently of their choice, and whom they might

find inadequate to the discharge of the first and most important duties.

On the subject of the Evidence laid before the House, Mr. Bruce observed, that though he had attended the examination of the witnesses, both in the House, and in the Committee, every day, he considered it to be impracticable to form a just opinion of the subject, till the whole of the evidence had been completed;—nor did he conceive, that even the great Lord Chancellor Bacon would have undertaken to examine and decide on a body of evidence, consisting of nearly six hundred folio pages, in a few hours:—all, therefore, that an individual, like himself, could attempt, was to state the following general facts, which appeared to be established by this great body of evidence.

—That the administration of the British Indian Provinces had, hitherto, proceeded on a system engrafted on the ancient native governments; and, from the fixed character of the natives, had preserved the allegiance of our Indian subjects, and yielded a large and permanent revenue.

—That the regulations, which have hitherto been adopted by the Company, had prevented the indiscriminate intercourse or interference of British subjects, or of Europeans, in general, with the prejudices of the natives, in favor of their ancient opinions, usages, and manners.

—That, from the fixed character of the natives, particularly the Hindoos, the produce and manufactures of India have been found equal to their wants and their desires; and that the climate, and their habits, afforded no prospect of an increase of demand for British goods; particularly when it has appeared, that British artists have settled at the different Presidencies, and employed native workmen, who can furnish the same articles at a cheaper rate than they can be imported from Britain; and, in fact, that British goods are chiefly, if not exclusively, purchased by the European inhabitants.

—That the export trade from Great Britain had not only been equal to the demands in India, but, in general, so far above them, that, in many cases, the Company, and their naval officers, who carried out their little investments, freight free, and the Indian agents, were often obliged to sell the goods at and below prime cost.

—That the imports from India had, hitherto, notwithstanding all the heavy duties imposed on them, been equal, not only to the home consumption, but to the demands for re-exportation, though this branch of the trade, for reasons of state, had been materially injured by the *neutrality* allowed to the American traders.

—That the smuggling of cargoes, by the Company, on the evidence of the first revenue officers, was impracticable, as there existed no temptation to make the attempt,—that smuggling had been farther prevented, by the trade being carried on in large ships, with the safe-guards of the East India docks and warehouses, and that, from the lists of seizures, the smuggling had been chiefly detected in smaller articles, seized from the crews and passengers.

—That the vessels from the Out-ports, of three hundred and fifty tons, either in the outward or homeward voyages, would have greater facility in defrauding the revenue, by going to foreign ports to dispose of their cargoes, to the prejudice of the re-export trade, or by smuggling, in innumerable ways, into Great Britain and Ireland.

—That, from the positive evidence of the Revenue Officers of Customs and Excise, the smuggling of Indian and China produce will increase, by dividing the trade between the river Thames and the Out-ports, at which the revenue cannot be so efficiently collected, as at the sales of the East India Company.

Mr. Bruce concluded his observations by asking, whether it would be wise, in the present convulsed state of Europe, and of the world, and in the actual state of the British resources and revenues, to interfere with such an old establishment as that of the East India Company, if so, it was surely contrary to the practice of a nation, distinguished for resting all its institutions on experience, leading to improvements, not on theories in politics, or speculations in trade. The last twenty years, he observed, had shown enough of theory and speculation, by the events which had desolated Europe, and it would be a most cruel event indeed, while the mischievous interferences of foreigners have been unable to shake the foundations of our government, or of the institutions subordinate to it, if our own innovations should weaken the one, or destroy the other.

Supposing, however, that these evil forebodings should be realised, and that the Company should be dissolved, and their trade annihilated, the justice of the British Government will surely grant a full indemnity to the East India Company, whose enterprise, conquests, and administration, have acquired and preserved the Indian empire; and to the proprietors of the shipping and establishments which have been formed, at the expense of many millions, under the conviction of the stability of the Company, and of the navigation of its ships and trade being confined to the river Thames. It would, to himself, be a melancholy reflection indeed, to have lived to see one political and financial error lose to the country its American Colonies, and to be convinced, that the proposed Resolutions, if passed into a law, in opposition to a most full and complete body of evidence, would, in a short time, probably lose its Indian Empire to Great Britain.

REMARKS

ON

THE EVIDENCE

DELIVERED BEFORE

BOTH HOUSES OF PARLIAMENT,

ON

THE EAST-INDIA COMPANY'S AFFAIRS.



BY CHARLES MACLEAN, M. D.



1813.

REMARKS,

THE case of the East-India Company, as originally illustrated by reasoning, is now made out, in every point, by the testimony, on oath, of the most competent witnesses.* It may be truly said that a body of evidence more consistent, uniform, enlightened, satisfactory, and convincing, than that which has recently been presented to the two houses of parliament, has never, on any subject, been laid before a public assembly. The witnesses are not only of the highest and most respectable character, civil, intellectual, and moral, but of great experience and information, concerning all the points at issue: many of them having filled the highest offices, and others having resided, in various active employments, twenty, thirty, and even forty, years in India.

That his Majesty's Ministers will incur the dreadful responsibility of persevering against the convincing testimony of such men, in their projects of innovation in India, it is scarcely possible to imagine.

The results of the evidence may be thus stated. The witnesses all concur in opinion:

I. That the effects of a considerably increased intercourse between the natives of India, and that description of Englishmen who might resort thither in private ships, would be to disturb the

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* The witnesses are sworn only before the Lords. But the evidence delivered before the Commons is so similar, that, in my references, I have chosen to limit myself almost entirely to the minutes of the former assembly.

peace of the country, to embarrass and perplex the local governments and public functionaries, and ultimately to raise a spirit of dissatisfaction and revolt, which might endanger the safety of the empire. This opinion is grounded on the following circumstances:—

1. The characters of the natives of India, and of the classes of Englishmen alluded to, are so opposite that they can never assimilate.¹

2. It is impracticable to frame regulations, which shall be efficient to prevent Europeans, under the circumstance of an unrestrained intercourse of private ships with India, from penetrating into, and establishing themselves in the interior of the country. This is the decided opinion of Mr. Hastings, Major General Kyd, and others. Mr. Lushington, on this point, adds, that “the revenues of the country would be almost swallowed up to guard against the danger.”²

3. Newly arrived Europeans, in their ignorance, despising the character of the natives, are apt to wound their religious prejudices, to insult their women, and to oppress or otherwise maltreat them. Sir John Malcolm relates that, when he was resident at Mysore, frequent quarrels took place between the natives and young officers (King’s or Company’s) who were detached, or travelling through the country; and that they arose almost invariably from the misconduct of the Europeans.³ Major General Kyd relates the following melancholy effects of an interference with their religious prejudices, which happened very lately. “From the cantonments of Muttra, two young cavalry officers went to the temples of Binderbund, where there were a great number of monies, which the natives about their temples hold in a certain measure sacred. These young gentlemen were inadvertently induced to shoot at the

¹ Vide Mr. Hastings’ evidence before the Lords’ Committees, p. 3.

² Minutes of Evidence, p. 145. It is also the opinion of W. Young, Esq. Ewan Law, Esq. and others, that to prevent ingress to the interior would be altogether impossible, if private ships were permitted to range along four thousand miles of coast.

³ Minutes of Evidence, p. 19.

monkies, in consequence of which the whole of the officiating priests, and a number of fakcers that were round, rose, and, with stones and clods of earth, obliged the young gentlemen, who were upon an elephant, to take to the river Jumna, which they endeavoured to cross, and perished in the attempt.¹ Mr. Buller mentions that he was obliged to order two Europeans out of their district for oppression to the ryots; and that two others were summarily punished by those whom they had injured, one being murdered, and the other severely wounded.²

4. It is impossible for the natives, at a distance from the presidencies, from inability to defray the expense of a journey, to take the necessary means, when injured by an European, of procuring redress; it being in the courts of judicature at the presidencies only that criminal actions may be brought against Englishmen. And it appears to be the opinion of Mr. Hastings, that the extension of the jurisdiction of those courts to the provinces would be productive of more evil than good.³

5. If adventurers are to be allowed an indiscriminate intercourse with India, along with their merchandize, it does not appear that they can, with any propriety, be prevented from accompanying their goods into the interior, if they prefer taking their chance of that market. And if despotic powers are to be given to the local authorities for removing them, in case of misconduct, nothing can tend more strongly to degrade the British character in the eyes of the native inhabitants.

6. Besides, as has been well observed by Lieutenant Colonel Munro, if it were even possible, in such cases, to grant adequate redress to the natives, it would not remove the causes of discontent.⁴

II. The character of the natives is described by the witnesses to be so nearly unalterable, as to have undergone very little change for twenty centuries, and to render it improbable that it should

¹ Vide Minutes of Evidence taken before the House of Commons, &c. p. 119.

² Vide Minutes of Evidence taken before the Lords, &c. pp. 134, 135.

³ Ibid. p. 10.

⁴ Ibid. p. 71.

undergo any considerable change for many centuries to come. Mr. Cowper, member of the supreme council of Bengal, declares their manners and habits to be almost unalterable. "Unaltered they have certainly remained for a very long period of years—for ages."¹ Lieutenant Colonel Sir John Malcolm states them to be tenacious of their principles, practices, and fashions "to a degree that can hardly be conceived by an European, who has not been in India."² Lord Teignmouth says: "I think them very tenacious of their peculiar habits, and that a violation of them would be strongly felt."³ Mr. Lushington thinks the Hindoo in Tinnevely, and in the southern provinces, "is at this day what he was two thousand years ago."⁴ Sir Charles Warre Malet, describing their little liability to change, says: "I suppose their present customs must have been from the earliest stage of civilization; the figures upon their excavations have the same dress as at this day."⁵

III. It is also the opinion of the witnesses, that as, owing to this permanence of character, there has not been hitherto among the natives of India any progressively increasing demand for the commodities of Europe, so the taste or desire for these commodities cannot be created, by an additional influx of goods, in consequence of the intercourse of private ships.⁶ The bulk of the people, if they had the desire, have not the means; and those who have the means, have not the desire to purchase them. An inter-

¹ Vide Minutes of Evidence, &c. p. 11.

² Ibid. p. 18.

³ Ibid. p. 82.

⁴ Ibid. p. 113.

⁵ Ibid. p. 137. In the face of this evidence, Mr. Canning, who has not been in India, and can only know the character of the natives by hearsay, disbelieves, from his knowledge of human nature in general, their little liability to change. Will this gentleman, then, assert, that other human beings, if placed under similar religious and civil institutions, and in every respect under precisely similar circumstances, would not acquire a character of equal permanence, as that which is ascribed, by those who know them, to the Hindoos? I have too much respect for his philosophy to think that he can seriously entertain such a belief.

⁶ "A free trade," says Mr. Hastings, "may cause a greater influx of British goods into that country, but it cannot increase the wants of the people to possess them." Minutes of Evidence, &c. p. 11.

course of centuries with Europeans, has not been able to produce, in any class of the natives, a taste for the commodities or manners of Europe in any perceptible degree. Even servants do not acquire the habits of their masters. Mr. Haliburton, during a residence of thirty-five years at Madras, although inhabited since 1600 by the English, has not known more than one or two rich natives, who have shown some disposition to purchase European commodities. Lord Teignmouth thinks that, in Calcutta, the population of which is computed at 800,000, there may be three or four natives, who are in the habit of occasionally giving entertainments to Europeans, and use butres in their houses. Some have been known, out of caprice, or policy, or because they have been given to them, to indulge in carriage, or a watch, or in the use of some trivial article of luxury. But, such instances are extremely rare. And so complete is the indifference of the natives, respecting even the most splendid European articles, that most of those sent from France to Tippoo Sultan, according to Lieutenant Colonel Munro,³ "were found lying in a large lumber room, many of them unpacked." The consumption, by the bulk of the people, of articles, which are really useful, and would otherwise be in demand, is necessarily limited by their means; and these means are apparently as permanently limited, as their characters are fixed.*

* Vide Minutes of Evidence, &c. p. 98.

² Ibid. p. 37. W. Bruce Smith, Esq. who resided in India forty years and upwards, confirms the want of taste among the natives for European commodities, and its permanence. Vide Minutes of Evidence, &c. p. 175.

³ Vide Minutes of Evidence, &c. p. 75. On this subject, Lieut. Colonel Munro further observes: "The man who purchases them (European commodities) is never much respected by his own countrymen, or by Europeans either; what the father purchases is perhaps cast aside by the son, or thrown into a lumber room." See also the evidence of T. Graham, Esq. Minutes, p. 75.

⁴ The words "permanent," "fixed," "unalterable," whenever they occur, are of course used in a comparative sense. It can never be meant that the character of the Hindoos is not subject of any change: for the institutions, on which it depends, are not themselves unalterable; but that it is less liable to alteration, less susceptible of change, than that perhaps

The estimated proportion between the native and all European inhabitants of British India, according to Lord Teignmouth, is six millions of the former two, 30,000 of the latter, or two thousand to one.¹ Yet, according to the evidence of Mr Robert Morris, *nine* tenths of the exports from this country to India are for the consumption of the European residents, and only *one* tenth for the consumption of all the natives!² On the present state of the European population, then, must almost solely depend any additional demand.

IV The demand for European commodities in India has been more than sufficiently supplied by the Company's ships. "For these twenty years," says General Keel, "there has been constantly a glut of European articles in all the markets." The Honble Lord St. John, who was seven voyages Captain of an Indian ship, says, "I have invariably found that there has been a glut in the market, every season I have been in India." Other testimonies corroborate this point, and no one has asserted, on the other hand, that there has ever been a deficiency of goods to supply the demand.

V Hence it is reasonably inferred, that an immense demand, which India in future may be capable of bearing, would not

of a single article. I trust the true nature of the charges of dishonesty and fraud, which have been put forward to put my other statements upon a more solid basis, is so manifestly unjust.

¹ Vide Minutes of Evidence, &c. p. 5.

² Ibid. p. 176.

II. 1. p. 11.

³ Ibid. p. 176. Vide also Mr Cowper's evidence, pp. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854. 855. 856. 857. 858. 859. 860. 861. 862. 863. 864. 865. 866. 867. 868. 869. 870. 871. 872. 873. 874. 875. 876. 877. 878. 879. 880. 881. 882. 883. 884. 885. 886. 887. 888. 889. 890. 891. 892. 893. 894. 895. 896. 897. 898. 899. 900. 901. 902. 903. 904. 905. 906. 907. 908. 909. 910. 911. 912. 913. 914. 915. 916. 917. 918. 919. 920. 921. 922. 923. 924. 925. 926. 927. 928. 929. 930. 931. 932. 933. 934. 935. 936. 937. 938. 939. 940. 941. 942. 943. 944. 945. 946. 947. 948. 949. 950. 951. 952. 953. 954. 955. 956. 957. 958. 959. 960. 961. 962. 963. 964. 965. 966. 967. 968. 969. 970. 971. 972. 973. 974. 975. 976. 977. 978. 979. 980. 981. 982. 983. 984. 985. 986. 987. 988. 989. 990. 991. 992. 993. 994. 995. 996. 997. 998. 999. 1000.

⁴ Testes Wilson, Esq., many years Captain of an East Indian ship, but now retired, declares that a country built ship, in the employ of the house of which he is a member, is now on its return to India, without any other articles, the produce of this country, (although they have the permission of the Company to take such a load) than one empty barrel and a little do to oblige a brewer, twenty or thirty tons of English nonpareil as much chalk. He further states, that "she has been offered for freight at a very low rate, of which a very little indeed is obtained." Minutes of Evidence, p. 16.

plied by means of the same system. This is the opinion of the witnesses invariably.

VI. From the same data, it is no less rationally concluded that all private adventurers, who may engage in the East India trade, will be disappointed in their expectations; or, to speak more correctly, will be ruined. Mr. Robert Morris, an East-India agent of considerable experience, affirms that "the private trade would not prove profitable."¹ The freight, he says, might be four or five pounds less, out and home, than in the Company's ships; but the insurance would be more. Mr. Davies, a merchant, who withdrew from the East-India private trade, because he did not find it productive, is of opinion that the vessels going from the out-ports to India would be disappointed in their expectations, with respect to a sale for their cargoes; and "that the exports from this country to India have more than equalled the demand." Mr. Woolmore's evidence confirms the frequent over-stocking of the Indian markets with European goods; and Captain Lestock Wilson has no doubt that "nine-tenths of the adventurers from the outports would be ruined."²

VII. The greatest advantages derived, to the public, and to the revenue of this country, and even the convenience to foreign merchants, from the public sales of the Company, have been shown by several witnesses, particularly Robert Brown, Esq. and James Cazenove, Esq.³

VIII. It is proved that the trade to the Eastern Archipelago, from Europe, is not worth the cultivating; and that, if private ships were allowed to extend the course of their navigation to those islands, they would be enabled to get tea, and other articles, the produce of China, for the purpose of being smuggled into every part of Europe. In illustration of the former position, the Honorable Hugh Lindsay relates, that in 1801, eight ships from Europe could not find articles among their investments, with which they could pay the inhabitants of Acheen for the cattle they

¹ Vide Minutes of Evidence, &c. p. 130.

² Ibid. p. 170

³ Ibid. p. 106.

⁴ Ibid. p. 221 and 223.

received for their refreshments.¹ The latter is confirmed by the concurrent testimony of Stanley Clarke, Esq.,² Martin Lindsay, Esq.,³ Lestock Wilson, Esq.,⁴ Sir George Thomas Staunton, Bart.,⁵ and Daniel Beale, Esq., Prussian Consul at Canton.⁶ It is the decided opinion of these gentlemen, all men of great experience and local knowledge, that if private ships were allowed to trade to the Eastern Islands, they might there procure plenty of teas, and other articles, the produce of China, to be smuggled into Europe. Nothing could be more easy than to convey such articles to these islands, by means of the junks trading from Canton and Amoy to Batavia and Cochin China, by American and Portuguese vessels, and even by our own country ships, trading to China, which might land them at Penang, Malacca, Bombay, Goa, &c.

IX. It is ascertained, from the evidence of two Commissioners of the Customs, one Commissioner of Excise, and the Solicitor of Excise, that the danger of smuggling would be much greater, if the import trade were opened to the out-ports; particularly Bristol and Hull, the course of the navigation to these ports being peculiarly favorable to smuggling. William Roe, Esq.,⁷ one of the chairmen of the Board of Customs, and Gloucester Wilson, Esq.,⁸ one of the commissioners, declare this not only to be their own opinion, as delivered in their reports to government, but that of a great majority of the practical officers. Robert Nicholas, Esq., Commissioner of Excise, knows no out-port which, in its present state, does furnish a security against smuggling.⁹ He considers the port of Hull, as stated in the reports, much more favorable to smuggling than the port of London, and the Bristol Channel particularly so.¹⁰ John Vivian, Esq. Solicitor to the Excise, affirms with much reason, that the East-India Company are not,

¹ Vide Minutes of Evidence, p. 138. See also Mr. Horsburgh's evidence p. 134.

² Ibid. p. 191.

³ Ibid. p. 195.

⁴ Ibid. p. 199.

⁵ Ibid. p. 208.

⁶ Ibid. p. 211.

⁷ Ibid. p. 228.

⁸ Ibid. p. 239.

⁹ Ibid. p. 246.

¹⁰ Ibid. p. 247.

live individuals, fit instruments for smuggling.¹ He explains, in a clear and satisfactory manner, the insufficiency of manifests for preventing illicit trade. Hence we perceive that the evidence of the very officers in the service of the government, is most strongly in favor of the East-India Company's cause. And, it will be found that the additional Custom house establishments, which will be thought necessary in this country, to prevent smuggling, if the proposed innovations should take place, will be as onerous to the revenue here, as the police establishments which will be deemed necessary in India, to prevent Europeans from penetrating into the interior, will be to the revenue there; while, in the opinion of men of appropriate experience, they will both be utterly inefficient for their avowed objects.

The only certain results, then, which can be rationally anticipated from this tremendous experiment, are a diminution of the comfort and happiness of the native inhabitants of Asia, of the power and dignity of the East India Company, and of the amount of the British revenue; the ruin of such speculators as may engage in the private trade; the expense and influence of immense custom-house establishments at home, and police establishments abroad, and, finally, either the destruction of the liberties of Britain, through the patronage of India transferred to the Crown, or the separation, through convulsions arising from so sudden, so undigested, and so violent a change of system, of the two empires

¹ Vide Minute of Evidence, p. 221

Ibid p. 257, *et seq*

OBSERVATIONS
ON THE
STATE OF THE BREWERY
AND ON THE
SACCHARINE QUALITY OF MALT.

BY JAMES BAVERSTOCK, ESQ.

ALTON, HANTS.

ORIGINAL.

1819.

OBSERVATIONS.

&c. &c.

THE very considerable decrease in the consumption of Malt liquors in every part of the kingdom, within the last two years—(which is proved by a deficiency in the taxes on beer and Malt, to the amount of several millions sterling) is well worthy the serious attention of all who interest themselves in the health and welfare of the people, or in the concerns of the National Revenue. The chief cause of this decrease must be imputed to the very heavy costs of the proper materials for brewing; which check the consumption of malt in private families, and compel the public brewer to reduce the quality of his beer, to such a degree as to render it less saleable. The continued high prices of corn of every kind, in late year, and particularly of barley, are too well known to need remark; but the ~~very~~ heavy duties together with the various contingent expenses attending the brewery (exclusive of barley, hops, and duties) are but little known, or thought of, by the public in general. Not longer ago than in June 1802, the whole amount of the duties on malt was 10s. 6d. per quarter, or 8 bushels of Winchester measure. The present duty is 34s. 8d. for the same quantity. In 1802, also, the excise on porter, and on ale was 6s. 4d. and on small beer, 1s. for each barrel of 36 gallons. The

present duty is 10s. per barrel on porter and ale, and 2s. on the weakest small beer. Hence, the beer duty is increased 60 per cent, and the malt duty more than 200 per cent, since the 5th July 1802. And although the expenses of labor, taxes, repairs, horses, and numerous other charges are not the same, in every situation, it may be safely said, that, they alone are equal to the duty on malt per quarter, or on beer per barrel, on an average, in the breweries, through the kingdom. This accumulation of burdens, together with the unreasonable, and ill-judged, averseness on the part of the Consumers in the country, to consent to some reasonable advance in the retail price of beer—(such as would enable the brewer, under all his increased expenses, to supply the Public with a pleasant and nourishing liquor) has driven him, of late, to the necessity of withdrawing a fourth, and in some situations a still greater part, of the usual allowance of malt. Hence, the duty which is paid by the public brewer for each barrel, or 36 gallons of Porter, or ale, amounts to as much as the malt duty on each 8 bushels of the latter—and, consequently, the brewer is taxed twice as much for the same portion of malt, as the householder who brews for his own use. Which, when duly considered, points out a cruel partiality in taxation: inasmuch as the poor man, who has not the means, because he does not possess the necessary utensils, to brew, if he drinks beer, must buy it of the brewer, or the publican; and thus he pays twice as much tax for the same quantity as the wealthy farmer or Trader, the landed gentleman, or the splendid nobleman. An importantly ill effect arising from the reduced quality of beer is, that it drives the poor laborer to expend his pittance, on a small dose of pernicious spirits, to cheer himself; and, thus, nothing is left to provide a more useful liquor for his family. And, further, this necessity to make the beer weaker—(although it is

unavoidable on the part of the brewer, without absolute ruin) tends to lessen the repute of the whole concern, in the estimation of the Public — and even to excite the reproaches of many, against all who are engaged therein. How very unjust this is, may be submitted to the candid, and intelligent part of the community. Every considerate mind must perceive, that there is no other alternative, in the case, than some reasonable advance in the retail price of the beer, or submitting to the use of an article more deserving the appellation of table beer, than any better description of malt liquor. In reflecting on the obstinacy, and perverseness, of the populace, in refusing to contribute towards the increased prices of the materials for brewing; and on their thus subjecting themselves to the use of a meagre liquor, rather than to the small advance of one penny per quart, it appears difficult to account why such obstinacy should be acted on against the brewers alone. For in every other case, or in regard to every other article of provision, whenever an advance takes place it is submitted to, without scarcely a murmur. The householders, and the publicans, who brew, pay now twice as much for the malt as formerly, and without complaining of the maltster, which, indeed, would be very unjust. The populace even do not attempt to control the prices of that far less necessary article than beer, distilled spirits; and every one submits, justly, to the very high price of bread. Yet, although the essential material for making bread or beer is corn, and the prices of the several kinds of grain are constantly assimilated, or rise and fall together, no sufficient allowance can be obtained for the excessively increased price of barley, by the brewer, although such allowance is not withheld from the maltster, or the distiller. It is true that we are now blessed with a more bountiful produce, and that corn

of every kind may be expected to be not so exorbitantly dear, as in the last two years. Yet from the highly increased rents, and taxes, of the lands, with the continuing increase of population, corn of every sort must, in future, be permanently dearer in these kingdoms than has hitherto been calculated on.

The erroneous notions, entertained of the brewery, by the Public, tend, materially, to diminish the consumption of such liquors, by deterring many, who otherwise are fond of them, from indulging themselves in their use; in situations where the supply is afforded from the public breweries, only. Such notions are owing chiefly to an ignorance of the real and truly valuable properties of malt, for if these were fully known, and considered, it would be seen clearly, that no benefit can be derived to a brewer, from the use of any other substance, (hops excepted) to give that strength and flavor, which are sought for, and required in beer. It would, therefore, be serviceable to the community if this matter could be so justly explained as to be rightly understood; and the minds of the people be relieved from a suspicion, which is attended with inconvenience, because with privation, to many. While a process which requires the attentive observation, and studious inquiry of many years to develop all its intricacies, is contemned in the estimation of the public; and considered as no more than a merely practical operation, requiring no better qualifications to conduct it, than are possessed by the meanest description of persons.

In attempting to correct these unfavorable impressions, I must not be understood as vouching for the conduct, and judgment, of every individual engaged in this branch of business, in the various parts of the kingdom; nor as asserting whether foreign matters are, or are not,

introduced by some practitioners, in the brewery ; for of this I know nothing ; but this I will assert, that whatever may be the practices of Brewers, and whether they may be engaged in a large or in a small way of business, there is no temptation to a man of understanding, to introduce any other matters than malt, hops, yeast, and water, to make or to mend beer ; that the two first are not only the most useful, but undeniably the cheapest articles a brewer can employ, and that, if other matters *are* introduced, it can only be by men of no judgment, and who defeat their own purposes, even in a pecuniary point of view, for that, all the money which is paid for such a use, is far worse disposed of, than if it were thrown into the sea.

Assertion, however, is but a weak advocate in any cause ; and the persuasions against all the public breweries are so deeply rooted, that the most acute writer, perhaps, would not be able, at the present time, to remove them wholly. Since, however, the truth must be best known to those who have been long engaged in the concern, it may not be entirely useless to lay the result of such observations, as are connected with the subject, before the public, who have a claim that their minds should be set at rest, if possible, herein. For, next to food, a wholesome, palatable, and clear malt liquor is desirable, to the bulk of the inhabitants of these kingdoms.

It is well known to chemists, to distillers, (and to the rightly informed among the brewers), that it would not be more futile to attempt to make bread from chalk, than to make any sort of vinous liquor, (such, as beer, wine, or intoxicating spirits), from any matters whatsoever, except from some substance that is "saccharine." For, no other matters will yield an extract, or solution, that is capable of the vinous fermentation. Without such fermentation no

spirituosity, or strength, can be produced; and, provided the fermentations be properly and similarly conducted, the quantity of vinous spirit obtained is ever in proportion to the quantity of "sweet," contained originally in, or drawn from, the subject or matter employed.

Of all the saccharine and fermentable matters, whether native or foreign, that are procurable in these kingdoms, the three cheapest are "malt, treacle, and sugar." The portion of the desirable matter for producing beer, or spirit, from these three subjects, is discoverable with ease, and to certainty, by the specific gravity of the solutions of any given quantity of each, or either of them. And the question, as to which is the cheapest, is then decided by, the "quantum of fermentable matter yielded, in conjunction with a consideration of their respective costs."

Barley, in its raw or unmalted state, consists chiefly of mucilage, with but a very small portion of saccharine matter. By the germination in malting it, the greatest part of the mucilage is converted into sugar, which then becomes so abundant as to form six parts in ten of the actual weight of the malt. The remaining four parts consist of mucilage, with the husks, or draff, of the grain.

The saccharine property in malt is so much more readily extracted, in brewing, than the mucilage, (under due precautions with regard to the heats of the water applied in the several mashings, that the latter may be disregarded, as affecting the gravity of the solution. Wort may, therefore, be considered as consisting of sugar dissolved in water, and the strength of wort is always proportioned to the quantity of the saccharine matter contained in a given measure of the liquid. And hence the gravity of worts, when compared with the gravity of water, may, in all cases, be received and trusted to, as the measure of their value; which is confirmed, incontrovertibly, in the practice

of both distillers and brewers. The first of whom find the proportion of proof spirit, obtained from any given quantity of their wash, to be in an exact ratio to the gravity of such wash, under correct uniformity in all the parts of the process. And, under the same circumstances, the brewer obtains a greater or less price for his beer, according to the gravity of his worts; or, (which is the same,) according to the quantity of malt, allotted to make such worts.

A bushel of ripe and well cleaned barley will weigh from 50 to 52 lbs.; of which weight one-fifth part is lost by germination and evaporation in malting, and not more, provided it be malted with a view to the quality, rather than to an injurious increase of measure. In the latter case, a full fourth part of the original weight of the barley is lost in the malting. From a bushel of perfect malt, weighing 40 to 42 lbs. may be drawn 25 lbs. of solid extract, of equal value for the purposes of making beer and distilled spirits, as 25 lbs. of dry powder sugar, or 30 lbs. of treacle. Or, each and either of them will make a barrel of wort, of 10 lbs. to 11 lbs. heavier than water, because the water, which is displaced by the extract, (viz. 6 quarts,) weighs 15 lbs.

Estimating the costs of the several quantities at the wholesale prices of each article, and according to the terms on which a brewer can, at this time, (September, 1813,) purchase 100 or 500 quarters of malt, viz. at 96s. the quarter, treacle at 48s., and sugar at 90s., the 112 lbs. of each, it will be found that to equal a quarter of malt, at 96s. will require 240 lbs. of treacle, costing 103s., or 200 lbs. of sugar, costing 165s.

Until this statement can be disproved, or until some article, equally saccharine and fermentable as malt, can be discovered, and obtained at less cost, it may be submitted to

the reader, whence can arise any temptation to a brewer, to exchange malt for any other matter to make beer.¹

Sugar being manufactured uniformly by boiling it to a given and equal consistence, very little or no variation is found in a given weight of the same sorts of it, although the quality of the cane juice, from whence it is made, differs greatly, according to the wetness, or dryness, of the season in the West Indian Islands; and the same may be said, or nearly so, of the treacle: but the malts from barley differ very much, according to the condition of the grain, and the skill and integrity of the maltster. The prices also of all the three are, we know, continually fluctuating, yet the advantage will be found to remain with the malt, by those who will take the trouble to make calculations on the cotemporary prices of each. And this, either with or without, taking into consideration, that if sugar or treacle were to be used, in but a trifling proportion in the breweries, the prices of them would be immediately and greatly advanced, and malt would be, in a proportionate degree, cheaper. But, although sugar has been allowed to be used in the breweries for more than a year past, (as also on some former occasions,) it has not been found that any consumption of it takes place among the well-informed part of the trade, to make beer.

The statement here given of the comparative value of the three "sweets," differs so widely from the notions generally entertained by the public, that it is to be expected the correctness of it will be doubted. The truth of it, however, is proved by distillation; for, so very exact is the

¹ Sugar is, by Act of Parliament 1812, permitted to be used in the breweries, but Treacle is still prohibited, under such penalties as would be ruinous. No *pale beer* brewer could use treacle without discovery, by the color and taste of the beer.

proportion of vinous spirit 'producible from the wort, to its gravity in its first state, that the practical distillers may ascertain, to a single gallon, what will be the produce of 'proof spirit, from 10,000 gallons; or any greater or less quantity of their fermented liquor, *previously to committing it to the stills; 'which rule is founded on the *known* number of pounds of fermentable matter required to produce each gallon of spirit, whether the fermentable matter were drawn from malt, from sugar, or from treacle. The whole of which would be impracticable, if there were any distinction in the vinous properties of the different extracts; or, if the gravity of the worts were not, in all the cases, a correct criterion of their value. This rule extends also to, and is practicable in, the brewery.

The second necessary article in brewing is the hop, the uses of which are to communicate both flavor and preservation to malt liquors.

It is a very mistaken conclusion, that because hops are bitter, any species of bitter will supply the same useful properties in beer; nor is it likely that hops were selected, in the first instance, for the sake of the bitter; for, why should that, which is not a very pleasant sensation to the palate, be thought acceptable in beer, more than in every other potable liquor? But it was found that the hop is the only plant which serves to restrain the fermentation of malt worts ~~within~~ proper bounds, without which they would proceed to the state of vinegar rapidly; for, it is the addition, or the omission, of this article, which constitutes the chief difference between the operations of making beer or vinegar from malt: and, abstractedly from the consideration of preserving beer in a sound state for a reasonable time, *no bitter* can be desirable, or at all useful, therein. And since *no other vegetable* than the hop has hitherto been discovered, to answer this purpose, all the money that is expended on

other bitters, is utterly throyn away. Nor is this all the objection to a substitute for hops; for the fine aromatic flavor, which accompanies the preservative-property in them, (and which forms a principal desideratum among the constituents of malt liquors,) is as easily distinguishable from the inert and nauseous bitter of the supposed substitutes, as is the flavor of the choicest champagne, from that of the most ordinary cyder.

An essential property in malt liquors is fineness. There are two parts of the process in brewing, which more particularly require the skill and attention of the practitioner. These are first, the extraction of the fermentable matter from the malt by the water applied in the mashings; and secondly, the conversion of the worts, so extracted, into the desired vinous liquor by a properly conducted fermentation. On the degrees of heat in the water so applied, and on the modifications of those heats in the different mashings, it greatly depends whether all the saccharine and fermentable matter, which is contained in the malt, be extracted; and on these heats depends also the aptness of the produce to attain early and spontaneous fineness, which is still farther promoted by suitable heats in the worts while under the action of fermentation. All these heats rest on the experience and judgment of the brewer, and, when known or decided on, are applied most correctly by the use of properly constructed thermometers; while the strength of the worts is adapted to the price obtained for the beer with equal precision by the direction of an hydrometer, even to less than a thousandth part of the whole fermentable matter contained in each wort. A studious observation of the very different effects of different heats in these, the two leading parts of the process, is therefore of the first importance and necessity. Similar effects can be expected only from exactly similar causes.

and without strict uniformity, in the process, the liquor produced must vary in its qualities with each distinct operation.

It must, then, be obvious to considerate minds that these heats are not to be judged of to any sufficient degree of correctness by the perceptions of the touch, nor the degree of sweetness in the worts by the palate ; and that without the assistance of the two instruments above referred to, all attempts to obtain uniformity in beer must be unavailing ; for the eye or the touch can afford no tolerable direction as to the heat of water below the boiling point, which is such a superabundant degree as would prevent any solution of the fermentable parts of the malt, by forming the meal into (nearly dry) balls, impenetrable by water of such heat : and the same uncertainty must prevail with regard to the most advantageous degree of warmth to be employed in the fermentation, which is an operation of such ruling influence in the case, that (besides the principal action of converting the sweet of the worts into vinous spirit, as well as producing other useful effects) the wholesomeness or the unwholesomeness of malt liquors depends chiefly on this interesting part of the process ; and hence the medical men are justified in prohibiting, as they often do, the use of the family malt liquor to invalids, and recommending porter in its stead ; the wholesomeness of which consists chiefly in the uniform correctness of the fermentation ; for it is not practicable to ferment a small quantity of wort so completely and with so much precision, as the larger quantities usually fermented together in a public brewery of a respectable size.

If the fermentation be conducted with judgment, and under proper degrees of heat, there will be no necessity to introduce any other matter than a few boiled and loose hops to secure fineness ; some of the latter are found use-

ful, and especially on removals of beer, to collect the light yeasty particles, and compel them to subside. Should any matters, possessing different properties, be introduced, they must pervert the genuine flavor, which is so desirable in malt liquors, and which is not to be attained or equalled, by the use of any matters whatsoever, other, than by a judicious combination of "malt, hops, yeast, and water."

The two instruments are now in the hands of almost every public brewer; yet the advantages derivable from them may be conceived to vary with the experience and judgment of the several practitioners. The necessity for the constant attendance of a principal, to use the instruments, (occasionally as well by night as by day,) and to work the arithmetical questions arising from their varying indications, gives an appearance of mystery to those who are too ignorant to perceive that any powers, other than to perform bodily labor, can be necessary in the business. Such are the home-brewing publicans, and those who are intrusted with this office in private families, who, being unused to subjects of any intricate nature, are wholly ignorant of the purposes of the instruments, and utterly incapable to apply them, and do not therefore make a wholesome and pleasant liquor oftener than through the wildest chance, and who, entertaining no idea whatever of a rational and fixed system, either as existing, or as at all applicable in such a business, attribute the successful, and to their minds the mysterious, practice of the public breweries, to any and to every cause but the true one.

By simple evaporation, malt wort is brought first to the consistence of treacle, and finally to a fixed and solid extract. Dica's hydrometer shows the exact number of pounds of such extract, which is contained in 36 gallons of

wort, each pound whereof occupies the space of .06 parts of a gallon of the water. Quin's, Richardson's, and Dring's instruments shew, merely, the addition of gravity in a barrel of wort, caused by the difference between the weight of the extract, and the weight of the water so displaced. All of the last three instruments differ in a slight degree from each other in their indications, yet not so materially but that all of them may be made similarly useful in the hands of judicious practitioners in the distilleries or breweries.

Taking the average Indications of Quin's, Richardson's, and Dring's Hydrometers, each Pound of additional Gravity (to the water) shows the existence of 2.6 lbs. of Extract according to Dicas' Rule. And thus, a wort of 30lbs. per barrel heavier than water contains 78 lbs. of Saccharine Extract, which is shown, at one view, by Dicas' Instrument.

A Barrel, or 36 gallons, beer measure, of rain water, should weigh 367.2lbs. at the rate of 1000 ounces for each cubic foot, which is concluded to be the precise specific gravity of such water. But that which is in general use being somewhat harder and heavier, it will be nearer the truth to fix on 369lbs. as the weight of a barrel of water in the Breweries. Hence, what is called a barrel of wort of 30lbs. weighs actually 399lbs.: viz. 369 lbs. the water, and 30lbs. additional for the wort.

Dicas' Instrument shows that the constituents of a barrel of such wort are 78 lbs. of fermentable extract, which, occupying the space of 4.68 gallons of the liquid, at .06 for each pound leaves 31.32 gallons of water, the weight whereof, at 10.25 lbs. per gallon, amounts to 321 lbs., to which, adding the extract, 78 lbs., we find the total weight to be 399 lbs. as by the others.

An exact quart of raw wort, 76.5 lbs. by Dicas, was evaporated to dryness; and as the extract could not be cleanly

separated from the vessel employed, the whole was put into scale and weighed 24.25 ounces. The vessel (when perfectly cleaned with hot water, which brought the extract again to the state of sweet wort) weighed 15.75 ounces, thereby showing that the actual quantity of extract contained in the quart of wort was 8.5 ounces, which, multiplied by 144, the quarts in 36 gallons, gives 1224 ounces, which, divided by 16, gives 76.5 lbs.: four ounces of powder-sugar, on being dissolved in a glazed earthen vessel (previously weighed) and brought to a solid extract, lost one eighth part of its weight, by evaporation in the process. We may hence reasonably conclude that each pound of malt extract is of equal value and usefulness to a distiller or to a brewer, as one pound of sugar, in the state as the last is sold in the shops. For the Saccharine matter, contained in the extract of malt, is not more (if so much) diminished by the very small portion of mucilage, which mingles with it, when running from the mashing-tun, than the sugar is weakened by its hydrogenous or watery particles: and, if this be granted, it follows that Dica's Hydrometer shows, at once, the number of pounds (or half-pounds) of "sugar," contained in each 36 gallons of malt wort.

Further, if the exhausted grains in a brewing of malt were deprived of their moisture, by drying them on a kiln, it would be found that a bushel of them would be so much lighter than the malt (in its dry state) as the amount of the extract, drawn from each bushel: viz.

Say	<i>Malt.</i>	<i>Extract.</i>	<i>Grains.</i>	} per bushel.
40lbs.	25lbs.	15lbs.		

● This has been proved satisfactorily, and may be experienced in little time, and without much trouble, because on a small scale. And such examination of the separate parts of a bushel of malt is further satisfactory, inasmuch as it confirms the amount of fermentable matter extracted from

this, or any given quantity of malt, as the same may have been shown by Dica's Hydrometer.

It is well worthy of observation that the imputations against the breweries were not, in any degree, so prevalent before the introduction of the instruments, as they have been since that time. The state of darkness in which every practitioner lay, until that discovery, placed them all on a level; and each part of the process, being devoid of any rule, the whole was as well conducted by a laborer as by his principal. It is not disputed that good beer was made in those times, and is still, without such instruments, but not without a *profuse waste* of malt, hops, and of time in keeping the beer, to remedy the absence of all system. Such remedies would be speedily ruinous to a public brewer, under the late and present circumstances attending the concern. But when the minds of some in the pursuit were turned to the forming of a fixed and rational system, in lieu of the uncertainties, to which the practice had been exposed for more than 200 preceding years, the office of conducting such system could not be left to men incompetent to mathematical computations: for just as wisely might a country barge-man be intrusted with conducting a vessel through the ocean to any particular point, without a knowledge of the uses of the compass. And, in proportion as an improvement in the beer, through the guidance of the instruments, became apparent to the consumers, that uniformity in the strength and flavor of the liquor, which was the natural effect of uniformity in the heats and gravities of the worts, excited, first the surprise, next the jealous enmity, and finally the calumny, of those to whom any idea of fixed rules in the process was utterly incomprehensible. Hence arose surmises of secret (and therefore, to *such* minds, *improper*) practices, with insinuations of the superior wholesomeness of "home-brewed" beers, over the produce of those breweries, which appeared to be seriously conducted.

According to the returns to the General Excise Office in 1807, the "home-brewing" publicans in the kingdom amounted to 23,740 persons; while the number of the common brewers did not exceed 1400.

It may be submitted to the considerate part of the community to judge, which of the two classes is the most likely to adopt, and which to neglect, *a rational system only*, in conducting an intricate and truly a scientific operation.

It is not, however, meant to be insinuated here, that *every public* brewer, merely as such, is necessarily, or by consequence, a perfect judge of what materials are the most useful to himself. Among the 1400 are to be found men incompetent to discover the constituent properties of the articles they employ. And such persons are as liable to be led astray by the druggists, as those of the more numerous class. Some there are also to be seen among the 1400, who although of superior education, and of superior abilities in other affairs, yet (possessing ample fortunes) do not trouble themselves in the details of their brewery concerns; which are therefore consigned to a deputy. Hence it may be perceived how unreasonable it is to condemn the whole in a mass, for the ignorance or the inattention of a part, among a number of persons differing so widely in their habits and attainments.

From a view of those habits, an observing mind may not be altogether at a loss to discriminate between the different individuals engaged in this pursuit in the various parts of the kingdom.

Bearing in mind that it is, *not* the successful practitioner who departs from the *four only* proper and necessary articles to make the most approved beer, viz. "Malt, Hops, Yeast, and Water," but the ignorant;

whether such may be engaged in a small, or in a large way of business. For no man who possesses a just knowledge of the constituent, and truly valuable properties of the two first, would forsake them, for such as are less useful, and yet more expensive.

SUBSTANCE
OF
The Speech
OF
CHARLES MARSH, ESQ.
IN A COMMITTEE
OF
The House of Commons,
JULY 16, 1813.
IN SUPPORT OF THE AMENDMENT,
MOVED BY SIR THOMAS SUTTON, BART
ON
The Clause in the East-India Bill,
Enacting further Facilities to Persons to go out to India for
Religious Purposes."

1813.

ADVERTISEMENT.



It has been lamented that such imperfect reports of the following Speech, which is said to have made great impression, have hitherto appeared in the Public Papers. It is for the purpose of preserving its principal heads that I have undertaken the task of editing it. My materials were derived from the collation of the different Newspaper Reports, and an ample copy taken in short hand of the whole debate, on this interesting question. Mr. MARSH having kindly consented to revise it, I now venture to offer it as a faithful statement of his reasonings, if not of the language in which they were conveyed.

THE EDITOR

SUBSTANCE OF A SPEECH,

&c. &c.

Mr. MARSH spoke to the following effect :—

Mr. Tashington,

I SHOULD have adhered to the prudent silence on the subject of this clause, recommended to us by the Noble Lord who has just sat down, had it not been for the alarming exposition of it which has been given by the Honorable Member¹ opposite. He has fairly spoken out; and the natives of India cannot mistake the meaning of the proposed enactment. I am anxious, therefore, to offer my feeble protest against it. It appears to me a most portentous novelty in Indian legislation. In all former modes of polity for the government of India, the inviolability of the religious feelings and customs of the natives was considered a sacred and undisputed axiom. And although a resolution was voted in 1793, that it was desirable to promote their moral and religious improvement, it was a mere abstract proposition, wholly inoperative, and unembodied in any legislative shape; and therefore did not disturb (as this enactment must do, if it is not a mere dead letter) that wholesome policy, which has hitherto preserved India to us, of abstaining from all interference

¹ Mr. Wilberforce.

with the religion of its inhabitants. A departure from that policy will shake our empire in that part of the world to its centre. Not that there can be any danger of an avowed or systematic departure from it; or that on a sudden we should become so weak, or mad, or fanatical, as to renounce all the wisdom which history and experience and common sense have imparted to us. But the real danger is this; that the actual attempt, by Parliamentary enactment, to convert the natives of India; and the mere suspicion on their part, however wild and visionary, that such schemes are in contemplation; will produce the same degree of mischief and disorder. No man can dream, that such a project could be soberly entertained, or deliberately discussed in this House. But it has unfortunately happened, that enough has been said to diffuse this alarm in India: and the clause now inserted in the Bill, combined with certain resolutions and speeches at public meetings, and the petitions which cover the tables of both Houses of Parliament (all of which, without any squeamish or affected delicacy, profess the conversion of the natives of India to be their object,) are but little calculated to dissipate or appease it. Here is at once the text and the commentary; the doctrine and its exposition.

It is true, Sir, that all this may be said to proceed from the over-heated speculations of a certain class of persons, who have worked themselves up to a diseased degree of enthusiasm upon this subject. But my apprehensions are, that the natives of India, contemplating the matter through optics peculiar to themselves, will not distinguish between the projects of these gentlemen, and plans countenanced by the authority, and intended to be effectuated by the power of the State. For they are not only most tremblingly sensitive to alarm on the subject of their religion; but they are so little schooled in our political usages, and the genius and form of polity under which they have been nurtured are so dissonant from the genius and frame of ours, that they will not readily separate the acts and opinions of a large portion of the country, acting permissively under the State, from the authentic and solemn act of the State itself. That which is permitted, they will hastily infer to be sanctioned. The time, the great legislative question now pending relative to the renewal of the Company's

Charter, will corroborate this inference. What other conclusions can they draw from the numerous meetings convened for the avowed purpose of deliberating about the means of converting and civilizing them; the petitions for the same objects from every part of the country; and, above all, the opinions avowed by the Honorable Member, and urged with all the ardor and zeal of his eloquence;—opinions, of which it is the fundamental maxim, that our subjects in the East are sunk in the grossest ignorance, and the lowest debasement of moral and social character?

In confirmation of the jealousy which must be awakened amongst them by so extraordinary a zeal for their conversion, comes this preamble; evidently emanating from the petitions on the table; framed to promote the prayer, conceived in the spirit, and almost expressed in the language of those addresses. And although it is followed by a proviso, “that the authorities of the local Governments respecting the intercourse of Europeans with the interior, and the principles of the British Government, on which the natives of India have hitherto relied for the free exercise of their religion, shall be inviolably maintained,” it is plain, that such a proviso will be nugatory and unavailing. The principle is violated, and then you declare it inviolable. You determine that facilities shall be afforded by law to the Missionaries who are desirous of proceeding to India, with an affected reservation of powers in the local Governments to send them back; without adverting to this obvious consequence, that those powers, if not wholly repealed, will be considerably impaired by the licences granted them by law to go out. For if the control, under which Missionaries have been heretofore permitted in India, was the general power inherent in your Governments abroad to send them home as unlicensed persons, is it not pretty clear that such a control will be greatly enfeebled by the licences antecedently granted them at home? Hitherto, if a Missionary misdeigned himself, the remedy was at hand. His commorancy being under the connivance and permission of the local Government, it was no longer connived at or permitted. The nuisance was instantly abated. But now, he will be enabled to set up his licence at home against the revocation of it abroad; the sanction of the British Government against the jurisdiction of the Colonial Governor. To be

sure, the local Governor, if he is determined to execute his duty, must prevail in the controversy, and the Missionary will be sent to England. But is there no risk incurred of giving offence to those through whose patronage or recommendation the Missionary was sent out? Is not the very circumstance of sending him back an implied censure on the discernment, or good sense, or vigilance of those who permitted him to go out? Besides, it is a discretion which must be exercised by the local Governor, at the hazard of drawing down on himself, at home, the clamours and resentments of a body of persons, who are every day acquiring fresh accessions of influence and numbers; who are knit together by the strongest sympathy which can unite, and the closest confederacy that can bind a party of men subsisting within the bosom of a community. The slightest affront offered to any member of their fraternity, vibrates as a blow to every one of them. It demands no great effort of fancy to conceive the spiritual denunciations with which every conventicle wallowing at the persecution of Brother Carey, or Brother Ringtaube, should the jurisdiction, which is still nominally left to the local Governments over the Missionaries, happen to visit those pious gentlemen. So that, in effect, though not in form, that control will be removed, — certainly impaired; and the Governments of India will be disarmed of the means of coercing them, when their zeal becomes licentious and dangerous. This, too, in the very teeth of ample and unanswerable documents now upon the table of this House, which demonstrate that this control, even in its fullest extent and vigor, was insufficient to repress the evil arising from the increased number and ungoverned conduct of these persons. I refer to Lord Minto's Letter from Calcutta, addressed to the Secret Committee of the Court of Directors, dated the 2d of November, 1807. That letter states several alarming instances of misguided and intemperate zeal; and of low and scurrilous invective, circulated in the native languages, against the feelings, prejudices, and religions of the natives: and it concludes with this impressive admonition,—“On a view of all the circumstances stated in this despatch, your Committee will admit the expediency of adopting such measures as your wisdom will suggest, *for the purpose of discouraging any accession to the number of Missionaries actually*

employed under the protection of the British Government, in the work of conversion." I will not shock the ears of the House by reading any extracts from these publications. They must be offensive to the moral taste of every cultivated mind; and to the people of that country they exhibit a picture of Christianity, by no means clothed in those alluring colors, which can alone win over their hearts or understandings; but displaying a fearful and disheartening system of terrors, from which the affrighted reason of man would gladly fly to the most barbarous of superstitions for refuge and consolation.

On what grounds, then, is it proposed to grant these gentlemen the further facilities which are claimed for them? Is it upon any recommendation from those who are on the spot, in high stations there; and whose testimony ought to carry with it no slight authority, not only as spectators of the movements of the native mind, but personal witnesses of the procedures and character of the Missionaries? Is any case of grievance, of hardship, of persecution made out, which calls for any new provisions in their favor? Quite the contrary. The Governor General sends home a strong complaint of their misconduct, with a solemn warning against any augmentation of their numbers. So far from having been visited with persecution, the tolerance they have so long enjoyed is not withdrawn from them, even on the strongest proof of their delinquency. The offensive publications are suppressed, but the authors and circulators of them are still permitted to exercise their callings in India. Nay, the very clause which is now under discussion, gives the Court of Directors, subject to the control of the Board of Commissioners, the general discretionary powers of licensing all persons whatsoever to go out to India. The words of the preamble, therefore, which are exclusively applicable to persons going out for *religious purposes*, are superfluous, with this evil belonging to them, that they indicate a deliberate intention, on the part of the British Government, to send out persons for the express object of proselytism and conversion.

The Noble Lord,¹ indeed, tells us not to be alarmed, either at the undue increase of Missionaries, or the kind and description of

those, who are likely to go out under the new provisions, by reminding us of the salutary control, which the Board of India Commissioners will have over their appointment. I confess that my apprehensions on this head would be put to rest, if the Noble Earl¹ who now presides at that Board were always to remain there, or if his successors were necessarily to be influenced by his prudence and good sense. No man is less infected than my noble friend with the cant and fanaticism of the day. No man is inspired with a more philosophical and dignified contempt of it. But here is the inconvenience of making a law, which, to be beneficial or noxious, depends on a personal discretion.* The law is permanent; the discretion is transitory. The Noble Earl's successor may have a different set of opinions on this subject. He may be of the new Evangelical school; careless of the mischiefs which may result from premature schemes of converting the Hindoos; or taught, by contemplating only the end which is to be attained, to consider those mischiefs as light and evanescent. So far, therefore, from pursuing a cautious and restrictive policy with regard to the Missionaries, he may be of the number of those, who think that the fulness of time is arrived for Hindoo conversion; and that every inspired cobbler, or fanatical tailor, who feels an inward call, has a kind of apostolic right to assist in the spiritual siege, which has been already begun, against the idolatries and superstitions of that degraded and barbarous country.

What man, that has rendered himself by study or observation competent to pronounce upon the subject, will not deprecate a provision so well calculated from the time at which it is introduced, and the explanations with which it is ushered in - to accelerate the calamities, which folly and fanaticism have been long preparing for us in that country, and of which all that we have experienced in the horrors of Vellore may be considered only as the type and forerunner? The Noble Lord² himself does not appear quite at ease as to the harmless or beneficial quality of the measure. He has repeatedly suggested to us, with somewhat indeed of paradox, but with great earnestness, that it was a subject too delicate for debate, and too important for deliberation. Hitherto, indeed, we

¹ Earl of Buckinghamshire.

² Lord Castlereagh.

had been in the habit of considering that, in a ratio to the delicacy or importance of a legislative proposition, it became matter for grave deliberation and anxious discussion. But with regard to the policy of sending out an enactment which may probably undermine an empire, the course as to be inverted. We are required to enact a secret, to whisper a legislative provision, and to convey it clandestinely and without noise into the Statute Book. Thus, I say, looks like somewhat of confidence in the Noble Lord as to the safety or propriety of the measure. That which it is expedient to adopt, it can never be unwise to discuss. But I know the embarrassments of the Noble Lord's situation. I know that this picture must be considered to have been rather wrung from his good nature, than to be the legitimate fruit of his understanding, and that it has been reluctantly conceded by way of compromise, to brush off, as it were, the importunities that so long assailed him. However, as it will be necessary to make a law affecting the feelings, the rights, and the happiness of so many millions of men, without letting them into the secret, I am disposed to suspect, that the enactment, when it reaches India, will inspire the more alarm, from the mystery and concealment in which the Noble Lord has endeavoured to envelope it. I cannot therefore shrink from the discussion.

Reasoning only *a priori*, and with the total of truth and disregard of all facts (if these facts could be forgotten or overlooked), I should entertain strong apprehensions of this clause, from what I myself know concerning the mutual feelings both of the Hindoos and Mussulmans, upon the subject of their religions. But all *a priori* reasonings would be absurd, with the full occurrences of Vellore, in 1806, turning us in the face, and precluding volumes of a sermon against the folly or rather the madness of reviving an alarm in India, of which those occurrences have bequeathed us such momental illustrations. It is a transaction which has been much misunderstood. It was a *religious mutiny*, in the strictest sense of the expression. It originated from a belief, artfully instilled by the emissaries of the Mussulman Princes into the minds of the Seapoys, that the British Government intended to convert them *gradually* to Christianity.

* They were confined in the fortress of Vellore.

If any one affects to doubt concerning the origin to which I have traced it, let him read Lord William Bentinck's proclamation of the 3d of December following, nearly six months after the mutiny ; an interval which had been employed in a minute and accurate investigation into the causes which led to it. The fact is distinctly stated in that paper. It was issued by the government of Madras, to dispel the apprehensions which had worked up the native mind to that dreadful carnage. That proclamation is among the papers on your table. There is also among the same papers, the recorded opinion of Lord Minto, given nearly two years afterwards, of the same tenor, and deduced from the same materials. I know it has been the fashion amongst some reasoners to narrow the causes of this event to the injudicious orders, which had been issued about that time, respecting the shape of the turban, and prohibiting the distinctive marks of caste on parade. But they confound what in human affairs are so frequently unconnected and disjointed ; I mean, the cause and the occasion. The cause was in the inherent and fixed antipathy of the natives to any change of their religion. The occasion was, the proposed alteration of their dress, with the prohibitions against wearing their marks of caste ; which unhappily furnished a powerful topic to awaken and inflame that antipathy, to those who, being implacably adverse to the British authority, were naturally eager to seize every opportunity of seducing the native soldiery into their own schemes of alienation and resistance. The orders, though highly obnoxious, would under other circumstances have been submitted to. Similar orders had been cheerfully obeyed, because they had been unconnected with any religious purpose. In truth, much unmerited obloquy has been thrown on a most gallant and honorable officer, now holding a high colonial station, (Sir John Cradock,) for having issued those orders. But it is a justice due to my highly valued friend, to state, that he had satisfied himself, by the reports of the most experienced official men, that those orders were not at variance with the feelings and prejudices of the natives ; and these reports were confirmed by the testimony of some of the oldest native officers, and the opinions of Brahmin and Mahomedan doctors. We must therefore look to the specific circumstances which made the orders in question offensive. They were these. The scapoys were taught to consider them as exterior

signs of that gradual conversion to Christianity, which other circumstances had given them reason to suspect was meditated by the British Government. Unfortunately, those circumstances were of a kind most likely to strengthen this misconception : for it did happen, that, for some time before the massacre of Vellore, an unusual degree of countenance had been shown to the various Missionaries who had insinuated themselves into India. They had been permitted to circulate, with extraordinary industry, in different parts of the Carnatic, translations of the Scriptures into the native languages ; and had exerted much inconsiderate zeal in the commentaries and expositions which accompanied them. The ecclesiastics, too, at the principal Presidencies happened at this time to be of the Evangelical school ; Mr. Buchanan at Calcutta, and Doctor Kerr at Madras. These gentlemen were zealous patrons of the Sectarian Missionaries. Of course, these persons, thus patronised and caressed, sent home accounts of the flattering reception they had met with. Those accounts induced the Societies in Europe to send out fresh exportations. The indiscreet activity of these persons, and their increased numbers, confirmed the suspicions which had been infused into the minds of the Scapoys concerning the late innovations in their dress. The result was, that dreadful massacre to which it is impossible to look back without trembling. If it is imagined that the plot, which broke out, indeed, only at Vellore, was confined to that garrison, the matter is much under-rated. It was to have been a general rising on the same day at every principal station in the Peninsula : Nundydroog, Cannanore, Quilon, and even at Madras. And had it not been prematurely executed about a week before the appointed day (in consequence of information given by a native officer, which however was not regarded, but the informer actually confined as a madman), the British name would now have been a mere matter of history in India.

Is it possible, that this House will go off into such a fit of absurdity and fanaticism, or be visited with so fatal a fatuity, as not to keep so awful an event before them, in the grave discussion of matters affecting the religion of the country ? That event has, interposed the warning of sobriety and wisdom to this headlong, precipitate, busy, meddling, gossiping, officious, interference with matters, which the laws of God and Nature have placed beyond

our jurisdiction. What is the lesson it has left us? Why, that our subjects in India, immovably passive under our political domination, are wakefully sensitive to all attempts at a religious one; that while they are upholding our empire by the steady and willing services of a patient and unwearied attachment, there are still limits to their allegiance, however firm and enduring, in those unconquerable feelings, and unbending habits, which bind them, as by links of adamant, to the religion and laws of their country. Surely, Sir, we need not the acting over again of that dreadful drama, to be taught, that all attempts on their religion, however cautiously and covertly made, must not only be unavailing, but calamitous; and if the change in the shape of a turban, or the temporary disuse of the marks on their forehead, drove that most passive and obedient soldiery into the bloody revolt of Vellore, what may we not dread from grave discussions at meetings convened for the avowed purposes of converting them; those purposes avowed in petitions from every town in England, and countenanced by a large portion of the Legislature of Great Britain, while the great question relative to the civil and political administration of that country is still under its deliberation? If the atrocities of Vellore were prompted by unfounded suspicions, or causeless jealousies, I fear, should that dreadful scene be again acted, we shall be deprived even of that consolation: for we are now administering to their religious fears, something more than mere prettexts to feed on. I feel, therefore, most unaffected apprehensions on this subject; so much, that if my Honorable friend (Sir Thomas Sutton) had not moved his amendment, I should have proposed a clause of a very opposite character from the Noble Lord's; prohibitory, instead of permissive, of the ingress of Missionaries into India; and accompanied with a solemn declaration, that the inviolability of the religion of the natives ought to be the basis of whatever political system it may be expedient to provide for them.

It is by this policy that India has hitherto been governed. The Court of Directors, I trust, are not unmindful, that it is the only policy, which can keep the native mind tranquil. Were they not so, with the ample communications they have had from India on this most delicate subject, they would exhibit a memorable proof

of their unfitness for any share in its government. It would be their own attestation to their own incompetency. But is there not already a most fatal oblivion of that policy? The opinions of more than one member of that board, who scarcely lag behind the wildest enthusiasts in the great work of conversion, have filled me with apprehension. They are omens of the most alarming kind. They convince me, that the powers granted by this clause will be most unsparingly exercised. But should that not be the consequence, those opinions will corroborate the fears already prevalent amongst the natives, who have so long and habitually contemplated the Court of Directors as the chief depositary of their interests, and the organ in which the political power of Great Britain in India chiefly resides. Mr. Cowper, in his evidence, furnished us with a most important aphorism when he told us, that, "an expression of the most distant recommendation on the part of persons in power, is received by the Hindoos and Mussulmans as a kind of order."

When I see, therefore, that this spirit of religious enthusiasm, which has so long been at work amongst ourselves, is likely to be let loose on a people not more disjoined from us by their customs and prejudices, than by the ocean that divides us; and that ultimate success is problematical, while intermediate mischief is inevitable; it can be no difficult matter to find out the genuine deductions of duty and reason and common sense. And are these deductions overturned by setting up the general, vague, indefinite duty of imparting the Christian religion to every country and people, whom the mysterious ordinances of Heaven have hitherto deprived of it? For, as all human duties lie within certain lines of expediency and practicability, it is plain, that the alleged duty is destroyed and negatived by the inexpediency and danger of bringing it into action. In these cases, then, it is our business first to inquire, whether morality and right reason prescribe any, and what mode of action; or (which is a still more important question) impose on us the obligation of acting at all? Whether, to put it into a form more developed and precise, the alleged duty of acting is not overpowered by the opposite and antagonist duty of not acting at all? For it would be absurd, in any problem

of civil or moral duty, to shut from our contemplation the probabilities of success or failure. It would be worse than absurd to overlook the dangers of the experiment; and of an experiment, which, in this instance, is to be tried on a machine so delicate, so complex, and so easily deranged, as our empire in India. This appears to me the point we are to decide; remembering at the same time, that the Hindoo religion is not only to be overthrown, but the Christian planted: and taking care to discover, whether we may not eradicate the religion of India without advancing at all nearer to the establishment of our own; and in so doing, get rid of a system which is beneficial to a certain extent, without being able at last to replace it with a better. The faintest probability of our stopping short of the full accomplishment of our project, of preaching down the Hindoo religion (the first step only in the process), and getting no farther, ought of itself to make us wary and cautious in undertaking it. Neither reason nor history tells us, that the adoption of a new religion is a necessary consequence of the abdication of the old. It is one thing to dispel the charm that binds mankind to established habits and ancient obligations; and another, to win them over to the discipline of new institutions, and the authority of new doctrines. In that dreadful interval, that dreary void, where the mind is left to wander and grope its way without the props that have hitherto supported, or the lights that have hitherto guided it, what are the chances, that they will discern the beauties, or submit to the restraints of the religion, you propose to give them? What then will have been done? You will have extinguished a system, which, with all its demerits, has been the very foundation of your empire in India. You will have destroyed that peculiarity of national character, that singular contexture of moral properties, which has given you an immense territory, an immense revenue, and sixty millions of subjects; while you will have done nothing more towards the realization of your own schemes, than the destruction of those institutions, that have for ages kept the vices and passions which overrun the Western world from that favored country. Such may be one result of our experiment. The Missionaries, it seems, from the papers on the table, have begun at this end of the project. Their efforts have been directed to the pious object

of disgusting the natives with their religion, their laws, their customs, and every thing that is venerable and authoritative amongst them.

There is no controversy about ends. No man can be more unaffectedly solicitous than myself for the diffusion of Christianity. I should be undeserving of an audience in a Christian assembly, were I cold or indifferent to its blessings. But there are questions, desirable as it may be to infuse Christianity into India, which will give pause to deliberate minds in attempting it. Have I the means of accomplishing my purpose? If I have not, will not the mere attempt be attended with calamities, that constitute an opposite duty to abstain from it? Not that this is the sort of reasoning which will go down with those who are so hotly engaged in the work of conversion; and who (such is the nature and character of all religious enthusiasm) are little likely to be startled or appalled by the difficulties they will have to encounter, or the miseries they may produce, in the glorious object of making sixty millions of men Baptists or Anabaptists. But, seeing the dangers, the difficulties, and suffering, that must result from the experiment, the conversion of that immense population seems, for the present at least, out of the course of things. It is only through the circumstances that surround him, that Providence deigns to confer with man. For as Providence condescends to act by human instruments and human agencies, it can be no impiety in us, who can calculate only on the efficacy of human means as applied to human objects, to pronounce a purpose discountenanced by so many impediments, and exposed to so many evils, to be out of his destinations. The power of working miracles is not assumed. The conversion of Hindostan by an instantaneous effusion of grace is not expected. Force is disclaimed. Not that there is any great magnanimity in disclaiming force; since no force could be effectually applied to an object so incommensurate with all physical means of obtaining it. It, therefore, is probable that the mere attempt, though unaccompanied with force, will be both abortive and mischievous, I confess that my understanding is driven into this inference, (no doubt a gloomy one), that the mere attempt ought to be discountenanced.

It seems no easy matter however, to persuade Gentlemen of the

impracticability of their project; and having, by some rapid process of reasoning, made up their minds to its practicability, they seem to laugh at its dangers.' But they are ignorant of the very elements of their experiment; of the raw material they have to work upon: in one word, of the Hindoo mind and character. They appear never to have reflected, that, this artificial being, moulded and fashioned, I had almost said created, by his religious institutions, (and all his institutions are religious ones,) is distinguished by properties, that give him no affinity to the proselytes who crowd their tabernacles and conventicles. They apply to this most singular people the same reasonings that are applicable to mankind in general; wholly unmindful of that deep color of character which has divided them, almost since the foundation of the earth, from the common family of the world. For the same peculiarity which the philosophical historian attributed to the ancient Germans, might with equal truth be attributed to the Hindoos: "*Proprium atque syncrum, et tantum sui similem gentem.*" Rendering, therefore full homage, as I am disposed to do, to the purity and benevolence of the motives which actuate the advocates for conversion, I am convinced, that had they been sufficiently skilled in the genius and moral constitution of the Hindoos to appreciate the temporal misery which every Hindoo convert must suffer, their humanity would long ago have taken the alarm, and probably dissuaded them from the further prosecution of their scheme. Can it be necessary then to remind them of the stupendous moral effects produced in that country by the division of castes? The loss of caste is the immediate consequence of conversion; and it is the most dreadful with which an Hindoo can be visited. It throws upon him every variety of wretchedness. It extinguishes all the wholesome charities and kindly affections. His very kindred desert him. It becomes an abomination to sit with him, or even to speak to him. The hand is accursed that ministers to him. All mankind fly from him, as from an infection. His only refuge from this overwhelming force of misery is death; a solitary, friendless, uncomforted death, amid the scoffs, and scorn, and revilings of his species. I am drawing no fancied picture. The reports of the Missionaries themselves have given more than one instance of it. The very few converts whom they have made among those who are intitled to

the privilege of caste, have endured all this : a circumstance that will account satisfactorily, I should think, for this most curious and important fact ; that amongst persons of caste, that is, amongst those who essentially are and alone ought to be denominated Hindoos, they have hardly made any converts at all. The great mass of their proselytes, scarcely exceeding eighty in seven years, are drawn from the Chandalâhs, or Pariars, or out casts : a portion of the population who are shut out from the Hindoo religion, and who, being condemned to the lowest poverty and the most sordid occupations, are glad to procure, by what the Missionaries call conversion, whatever pittance they are enabled to dole out for their subsistence. As to the Church of Syrian Christians, which has so long subsisted in the province of Travancore, let us be on our guard against the ingenuity with which it is made to form a part of the argument. They are not descendants from the original inhabitants of Hindostan ; of course, therefore, they can never be said, in fairness, to have been converted from the Hindoo religion to Christianity. They are the remnant of a Church planted there in the early ages of Christianity ; where they have remained, without any material increase of numbers, from their primitive institution ; tolerated and despised by the successive Rajahs. They are an independent community amongst themselves ; and are not only too narrowly watched to make converts ; but, I believe, from the influence of mutual habitudes and intercourses between them and the community in the bosom of which they are permitted to reside, wholly indisposed to molest them by any unseasonable or indiscreet attack on their feelings or prejudices.

This division of caste has always erected an invincible barrier to the proselytism of the Hindoos. A Gentoo considers the privileges of his caste as exclusive and incommunicable. It is this that imparts to him the highest prerogatives of his nature. Man is not separated by a wider discrimination from the inferior world, than that which the pride and dignity of caste have interposed in that country between the several orders of mankind. He acquires a class of emotions incident to the character that elevates him. He breathes, as it were, a more ethereal element. Taught to revere himself by the same standard which secures to him the esteem and reverence of others, he considers the loss, or even the pollution

and degradation of his caste, as evils worse than death. The same feelings descend through each successive gradation; each caste cultivating the same spirit of an exclusive character; all of them united in one common sentiment of contempt of the Pariahs, or out-casts, amongst whom they class the Christian Missionary and his convert; the Pastor and his disciples. Some new power, therefore, hitherto undiscovered in the moral world, and equivalent to that which the old philosopher required in the physical, will be requisite to pull down this consolidated fabric of pride and superstition, which has stood, unmoved and undecaying, the sudden shock of so many revolutions, and the silent lapse of so many ages. If you begin with one caste, you have to fight in another against the same host of feelings, motives, and affections, which render place and homage and distinction despotic over the heart of man. Your struggles are only begun when you have converted one caste. They are perpetually to be renewed. Never, never, will the scheme of Hindoo conversion be realized, till you persuade an immense population to suffer, by whole tribes, the severest martyrdoms that have yet been sustained for the sake of religion; to tear themselves from every habit that sways in the human bosom; from the sweets of social communion; the ties of friendship; the charities of kindred; from all that life contains to support or adorn it; and all this—to embrace a new religion proffered them by polluted hands; a religion, on the threshold, and in the very vestibule of which are planted all the appalling forms of penury, contempt, scorn, and despair:

Vestibulum ante ipsum. ——— —

Luctus et ultrices posuere cubilia cura,

Et metus et male-suada fames, et timor egestas.

And are the Missionaries, whom this Bill is to let loose upon India, fit engines to accomplish the greatest revolution that has yet taken place in the history of the world? With what weapons will they descend into the contest with the acute, intelligent Hindoo, prepared to defend his religion by reasonings drawn from the resources of a keen and enlightened casuistry, and wielded with all the vigor of a sharp and exercised intellect? Will these people, crawling from the holes and caverns of their original destinations, apostates from the loom and the anvil, and renegades from the low-

est handicraft employments, be a match for the cool and sedate controversies they will have to encounter, should the Brahmins condescend to enter into the arena against the maimed and crippled gladiators that presume to grapple with their faith? What can be apprehended but the disgrace and discomfiture of whole hosts of tub-preachers in the conflict? And will this advance us one inch nearer our object?

In whatever aspect I view the question, the impracticability of converting India by such means to Christianity looks me in the face. The advocates for the scheme have scarcely favored us with one argument, that shows it to be practicable. In some of the papers, however, published by the Baptists, there appears a faint historical analogy, from which they infer the probability of success; and a learned and Honorable Gentleman near me put it in the shape of an interrogatory, to one of the witnesses at the bar. He asked Mr. Graham, "Whether the natives of India were more attached to their superstition, or more under the influence of the Brahmins, than our ancestors in this island were to their superstitions under the influence of the Druids?" The witness, it may be recollected, very modestly declined speaking of the Druids from his own personal knowledge; but expressed himself pretty strongly as to the folly and danger of interfering with the religion of India. Does the learned and Honorable Gentleman think that there is the slightest analogy between the two religions? The religion of the Druids was extirpated from this island by the ancient Romans, because its institutions were too intractable and unyielding, to give them quiet possession of their conquest. But it was not extirpated till their priests were slaughtered, their sacred groves and temples destroyed, and their population ravaged, with every species of bloody and ferocious violence. I advert to the finishing stroke given to that religion in Britain, under Suetonius Paulinus. To make the analogy, however, at all an approximation to an argument, the Honorable Member is bound also to contend, that the Roman procedure towards the Druids is to be followed as a precedent by us with regard to the Hindoos. The Honorable Member's humanity starts at the suggestion. Why, then, the argument drawn from the analogy is destroyed. But

whatever points of resemblance there may be between the two religions, they will be found to furnish an argument against our interference with that of the Hindoos. Those points of resemblance are these: the exclusive character common to both; the domination of the priesthood; the indissoluble and adamantine strength with which the soul and all its faculties were bound to the Druidical, as they are now to the Brahminical system; the jealousy with which the Druids once preserved, and the Hindoos still preserve, the inviolability of their faith. Why then, if the civilized conquerors of ancient Europe, deeming it expedient to get rid of the Druidical superstition, and not, as it may be presumed, ignorant of the most efficacious means of effecting it, found that there was no other mode but extirpation,—the matter is settled. The means of extirpating the Hindoo religion are not in our hands; extirpation is out of the question: and we must endure the evil. But here the resemblance stops. The points in which these religions differ, will supply much stronger illustrations (if they were wanted) of the danger and folly of interfering with that of the Hindoos. The superstition of the Druids inspired a spirit of resistance to the civil and military yoke of their conquerors. That of the Hindoos makes them the passive, unresisting subjects of theirs. It is of the very essence and nature of the Hindoo religion to extinguish and subdue the spirit of civil resistance. Accordingly, the natives of Hindostan have borne with the most unrepining acquiescence from their Patan, Tartar, and Mahommedan, invaders, every shape and mode and alteration of oppression. But neither the Tartar nor the Mahommedan sword could subdue their religion.

Well then, let us survey the ground we occupy, before we advance farther. We have a mighty empire in India, from which a great revenue has hitherto been derived, and an exuberant tide of wealth may hereafter flow in upon us; a civil and a military government cheerfully and quietly obeyed by many millions of its inhabitants, disciplined and nurtured to that obedience by the peculiar genius and character of the religion we are anxious to destroy. It is required of us, in defiance of all that experience and reason have taught us, that we should throw away what we have acquired, or at least incur the hazard of losing it, in order to erect a spiritual

ascendancy on the ruins of our political dominion. Such, also, are the inconsistencies and contradictions that beset us in this extraordinary discussion, that the very gentlemen,¹ who are the most eager for this Evangelical project,—alarmed at the perils that threaten their exclusive privileges, and in defence of those privileges imploring us jealously to shut the door of India, even on those who, being invited thither by commercial enterprise, must have an obvious interest in carrying on a quiet, prudent, and conciliatory intercourse with the natives—feel no scruple to tell us, that there is no danger in opening every port to swarms of Missionaries, and hosts of fanatics; men, whose nature and character it is, to consider themselves absolved from all human restraints, and free from all human motives, in effecting the objects of their calling. Nay, the same reasoners, while they would convince us that so fixed and immutable are the prejudices and customs of our subjects in the East, that it is absurd to expect that they will consume our woollen cloths and hard-ware manufactures, have no compunction, in the same breath, to contend, that those prejudices and customs, fixed and immutable as they are, would by no means impede the reception of the coarsest texture of theology, that can be dealt out from the shops of the Anabaptists, or woven in the loom of their fevered and fanatic fancies. It is in vain to tell them, that every European throat will be cut, if the Missionaries are encouraged, and the attempt at conversion persisted in. The answer is—These are ridiculous fears; bugbears (to use the Honorable Member's² phrase) that haunt the imaginations of that part of the House, who, having been in India, are the least competent to pronounce on the subject. It savors indeed somewhat of paradox, that we should be disqualified from bearing testimony by the only circumstance that can intitle us to credence. It is our fate, however, to hear things pushed still nearer to the brink of absurdity. For the Honorable Gentleman, to show that no danger is to be apprehended from Missionaries, assures us that they have carried their zeal so far, as to publish and circulate the most indecent attacks upon the customs and opinions of the natives, and that no commotion has yet followed:—a fact which

¹ Mr. Grant, and Mr. Thornton.

² Mr. Wilberforce.

suggests a strong argument for recalling those who are now in India, or preventing any more from going out; but which is not quite so clear in favor of granting them fresh facilities. The fact itself, however, is questionable. The conduct of the Missionaries has already excited much disquietude amongst the natives. The papers on the table, particularly the letters from the Bengal Government, show it. But had they been wholly passive and silent, whilst these persons were reviling their institutions, would it be good reasoning to suppose, that there was no point of endurance beyond which they would cease to be the contemptuous witnesses only of the folly and phrenzy of the Missionaries? It is comparatively but yesterday that we became the dominant power in that country. When we had no political ascendancy there, they were not alarmed at the prospect of a religious one. It is not so now. Every other power in India has been gradually absorbed into our own. They can bear that. They are unmoved spectators of your rapid strides to territorial conquest and political power. But when, with all this territorial influence and political power, you begin to make laws, and preach parliamentary sermons about their religion, they will begin to connect your politics and your religion together, and endeavour to shake off the one, to secure themselves from the other.

What matters all this to a finished and graduated doctor in the new Evangelical academies? He is not disturbed by the prospect of a little mischief. The end sanctifies the means. The people of India are sunk into such gross heathenism; their superstitions are so brutal; their national character is such a compound of fraud, falsehood, perjury, cunning, and I know not what vices, that the duty of converting them takes the lead of every other in importance, and is influenced neither by those times, seasons, or opportunities, which regulate and control the other duties of life. Such is the senseless cant of the day. I have no scruple in saying, that this cant is founded on the falsest assumptions. I say nothing of the total want of philosophical precision in comprehending the mixed character of an immense population, covering an immense territory, within the terms of one general national description. But this I will say; that if such is our opinion of our fellow subjects in India, we are unfit to govern them. It is a mischievous

hypothesis, corrupting the very fountains of pure and beneficent administration. Hatred and contempt for those whom you govern, must, in the very nature of things, convert your government into a stern and savage oppression. On the other hand, a favorable estimate of the character of this very people (it is a striking passage in their history) softened even the rugged features of a Mahomedan government into a paternal and protecting policy. The Emperor Akber, a name dear to Oriental students, under the influence of an enlightened vizier (Abulfazel) who had learned to form a correct estimate of the Hindoo virtues, governed them, as we are told, with such equity and moderation, as to deserve and obtain the title, which has alone transmitted his memory to posterity, of "guardian of mankind."

I hope therefore that I heard not aright, when an Honorable Member^{*} discoursed of the Hindoos as a people destitute of civilization, and degraded in the scale of human intellect. Is it possible that such things can be imagined? Whence has the Honorable Member, whose learning in their customs and history I am bound by the courtesy of the House not to call in question, whence has he derived this theory of their moral and intellectual inferiority? Is it in the remains to be traced through that vast continent, of a system of law and polity, which shows them to have been a people abounding in all the arts which embellish life, and all the institutions which uphold it, from an æra long before the dawn of our most venerable establishments, and before the primæval silence of our forests had been broken by the voice of man; professing also the great principles of natural theology, the providence of God, and the future rewards of virtue, before our ancestors had arrived at the rudest elements of a religion? Is it in that habitual government of the passions, that absolute subjugation of the will to the reason, which would shame the Stoic doctrine, and falls little short of that purity and perfection of the Christian discipline which the best of us rather hopes, than expects to attain? Indeed, when I turn my eyes either to the present condition or ancient grandeur of that country; when I contemplate the magnificence of her structures; her spacious reservoirs, constructed at an

^{*} Mr. W. Smith.

immense expense, pouring fertility and plenty over the land, the monuments of a benevolence expanding its cares over remote ages; when I survey the solid and embellished architecture of her temples; the elaborate and exquisite skill of her manufactures and fabrics; her literature, sacred and profane; her gaudy and enamelled poetry, on which a wild and prodigal fancy has lavished all its opulence; when I turn to her philosophers, lawyers, and moralists, who have left the oracles of political and ethical wisdom, to restrain the passions and to awe the vices which disturb the commonwealth; when I look at the peaceful and harmonious alliances of families, guarded and secured by the household virtues; when I see amongst a cheerful and well-ordered society the benignant and softening influences of religion and morality; a system of manners, founded on a mild and polished obeisance, and preserving the surface of social life smooth and unruffled;—I cannot hear without surprise, mingled with horror, of sending out Baptists and Anabaptists to civilize or convert such a people, at the hazard of disturbing or deforming institutions, which appear to have hitherto been the means ordained by Providence of making them virtuous and happy.

Where is the evidence to support the bill of indictment which the Honorable Member has drawn up against the natives of India? Here we are, as usual, treated with general and unmeaning invective. But it seems, that the Hindoos are addicted to perjury; and Sir James Mackintosh is cited as an authority, because he lamented, in pretty strong language, the prevalence of judicial perjury, from the numerous instances of it which fell under his own observation, as Judge of the Recorder's Court at Bombay,—a jurisdiction, by the bye, scarcely exceeding five miles. And what judge in this country has not made the same complaint? But is this a fair sample of the national character of Hindostan? Is it a rational ground upon which criminal judgment ought to be pronounced on the aggregate population of that vast territory? What would be thought of that reasoner on the manners and moral qualities of the people of Great Britain, who, happening to be present at the trial of a horse-cause at Nisi Prius, and hearing twenty witnesses swearing flatly to the soundness and perfection of the animal when he was sold, and as many on the other side swearing that he

was spavined or wind-galled, and a mass of defects, should jump into the conclusion, that perjury was the general characteristic of her enlightened and cultivated inhabitants? Is it candid, or just, or correct, to dip your hands into the feculence and pollution of a great empire for a specimen of its general character? The Hindoos, like every mixed portion of mankind, are infected with the great and lesser vices, which disfigure human society:—fraud, theft, perjury, and the other offences, which it is the province of law and police to keep down. But is that enough for the Honorable Gentlemen, who are so intent on the conversion of the Hindoos? Will that chequered state of virtue and crime, which with different modifications is the moral condition of every civilized nation, authorise a wild and visionary attempt to pull down ancient establishments, which have struck their root deep into the hearts and affections of a people? At any rate, these revolutionary projectors have a tremendous burden of proof thrown upon them. They are bound to prove that the people, whose habits, laws, and religion they are about to break up, is so far depressed beneath our own level in morals and civilization; so brutalized by their superstitions: so regardless of that universal law of nature which holds together the common confederation of man; so loose from the yoke of manners, and the restraints of moral discipline, and, by consequence, incapable of holding those relations which pre-suppose and require some progress in culture and refinement;—in one word, is in so helpless and savage a condition, as to constitute it a duty on our part to give them a religion, in order to raise them to an equality with the species to which they nominally belong.

But these are reasonings, which however applicable to the savages that roam along the river Niger, or the Caffres and Hottentots who people the south of that continent, are not quite so applicable to the natives of India. They, Sir, are under the guidance of a religious system, favorable in the main to morality and right conduct; mixed indeed with superstitions which dishonor, and absurdities which deform it; but many of which are already worn out; and many will hereafter give way to more enlightened habits of thinking in the progress of that gradual march of human societies, which reason and philosophy tell us is never stationary or retrograde in the affairs of mankind. As

to their civilization (it is almost ridiculous gravely to argue the question,) let it not be forgotten what Colonel Munro, not the least intelligent of the witnesses who have been examined upon the state of India, told us with so much emphasis: that "if civilization was to become an article of trade between the two countries, he was convinced that this country would gain by the import cargo." The same witness has distinctly pointed out to us in the Hindoos one of the most infallible indications of refinement which can characterize a cultured people. It is a maxim which history and philosophy have established, that no nation can be barbarous or uncivilized, where the female condition is respectable and happy. That gentleman, among the most striking of the Hindoo characteristics, has enumerated the deference and respect which is paid to the women; the obeisance which usuriously pays back what it receives in the grace and splendor which it throws over social life, and which, producing and reproduced, is at once the parent and the fruit of good institutions. The Honorable Member for Norwich, however, not unmindful of the obvious effect of that testimony, triumphantly quotes from the Institutes of Menû, the great lawgiver of India, a passage in which I think six cardinal vices are attributed to women; and then he asks us, whether the influence of that religion can be beneficial, when it appears, from such high authority, that the female condition is so despicable and degraded? Those vices were, an inordinate love of finery, immoderate lust, anger, and other propensities, which I will not enumerate. Now, the Honorable Member appears to me strangely inconclusive in his argument. The lawgiver, like other moral teachers, denounces the frailties and infirmities to which the heart is inclined. Looking into the female bosom, he found what the female bosom, in every state of society, would furnish; a fluttering, busy group of vanities, of desires, of passions; the theme of satirists, and moral writers in all ages and countries. Pope said, that "Every woman is at heart a rake." Would it not be more than nonsense to adopt it as the criterion of the manners and morals of our countrywomen? But the denunciation of failings to which we are prone by the very law and condition of our existence, is no proof of their undue or excessive prevalence. It is legitimate reasoning to infer the defective morality of a country, from its immoral prac-

tices ; but not to prove its immoral practices by the moral admonitions against them. It is unfair to infer a debauched and vicious state of female manners, from the precepts of moralists, or the denunciation of lawgivers against female vice and debauchery, or to deduce the existence of the offence from the existence of the propensity. Religion, law, and morality are barriers between propensities and vices. To say that women are by nature subject to the impulses of lust, is to say nothing more, than that they are subject, by the laws of Nature, to an instinct which she ordained for the conservation of the species ; an instinct, which,

—“Through some certain strainers well refined,
Is gentle love ;——

and against the unhallowed or unlawful indulgence of which the warning of morality and wisdom is wisely interposed. The inference deducible from the passage is not that the morals of the women are defective, but that the system of moral precept is perfect. It shows a pure and finished moral law, which, winding itself into all the labyrinths and recesses of the heart, anxiously shuts up every crevice and avenue through which vice or passion may pollute it. The same observations will apply to the rest of the catalogue. If Menú said that the women of India were prone to anger, does it prove that every woman in India is a scold? But I will dwell no longer on an argument which carries with it its own refutation.

The natives of India are a sober, quiet, inoffensive, industrious race ; passive, courteous, faithful. I fear, were we to descend for an illustration of their national character to the lowest classes of their population, that an equal portion of our own countrymen, taken from the same condition of life, would cut but a despicable figure in the comparison. To be sure, we have heard much declamation on the immoral exhibitions of the dancing girls ; a class of women dedicated most undeniably to prostitution, but, at the same time, not to shameless open prostitution, and by no means obtruding themselves upon public observation. Yet, in striking the balance of national character, it would be rather unjust to overlook the disgusting spectacles of vice and brutality exhibited in the streets of the metropolis of this country, from which we are to

send out Missionaries to reform the dancing girls of Hindostan; spectacles, which choke the public way, and shock the public eye, with all that vice has in it of the loathsome, polluted, or deformed. Is it uncandid to observe, that these victims of depravity afford at home, at our own doors, and under our own eyes, a much more ample harvest for the spiritual labors of our Evangelical reformers, than that which they are seeking abroad? With what color of reason, or good sense, or consistency, can we send out crusades against the same vices in distant countries, with which our own is overrun? With what face can we impute those vices to their defective morality or pernicious superstitions, while, in the very bosom of Christendom, among the most polished states, and the most enlightened communities, they are shooting up with still ranker luxuriance? There is, however, one relation of life, on which all its comfort and most of its security depends, and in this the Hindoos are punctiliously faithful; I mean that of servants. I cannot help demanding the testimony of those who have resided in India, to this fact; a fact, which pleads for them, I should hope, with the more efficacy, from the dreadful occurrences which have of late destroyed the confidence, and impaired the safety of that most important of the social connexions in this country. You entrust your servants in India, without apprehension, with money, jewels, plate. You sleep amongst them with open doors. You travel through remote and unfrequented countries, and your life and property are safe under their protection. Can all this be the fruit of a superstition, which morality and right reason require us to extirpate, as a nuisance and an abomination? I know not, whether the Hindoo virtues are the offspring of their religion, or their nature. Those virtues have been remarked by all who have resided there. They will not be denied, but by those, in whom a selfish and fanatical pride has extinguished every spark of charity or candor. But their religion, imperfect as it is when compared with the purer morality and more efficient sanctions of our own, must not be excluded from the influences which have moulded the Hindoo character. Their sacred books unquestionably contain the leading principles of morality, imparted in all the varied modes of fable, apothegm, and allegory, and clothed in the characteristic graces of Oriental diction. The duties of conjugal life, temperance, parental affection, filial

piety, truth, justice, mercy, reverence for the aged, respect for the young, hospitality even to enemies, with the whole class and category of minor offices; these are not only strongly enforced, but beautifully inculcated in their Vedas and Purahnas.

The immolation of widows, however, on the funeral pile of their deceased husbands, and the dreadful custom of infanticide, are made the principal charges in the Honorable Member's bill of indictment against the Hindoos. As to the former practice, it is right to observe, that it is enjoined by no positive precept of the Hindoo religion. On the contrary, one of the most authoritative of their sacred texts declares, "that a wife, whether she ascends the funeral pile of her lord, or survives for his benefit (that is, to perform certain expiatory ceremonies in his behalf, " is still a faithful wife." I cite from the text of Mr. Colebrooke's Digest of the Hindoo law. It is, in truth, a species of voluntary martyrdom, meritorious, but by no means obligatory. Shocking as it is to the moral taste, I know not, whether it is strictly chargeable on the Hindoo religion. It is a species of overstrained interpretation of its duties; and the offspring of that fanaticism which will inevitably grow up, and has more or less grown up, under every system of religion. But let us not look at the frequency of the sacrifice abstractedly from the immense population of India. For it is not a correct mode of making the estimate, to take the number of these immolations in one particular province, and then multiply them by the whole extent of India; a criterion, by which Mr. Chambers has unfairly computed their prevalence. In many provinces instances of this superstition have never, in others very rarely, happened. But it may safely be affirmed, that the custom itself is wearing away even in the northern provinces. Yet conceding, to their fullest extent, the statements of those Gentlemen who have given us such warm pictures of the horrors of this dreadful rite, the evil could not, with any precision, be attributed to the Hindoo religion. It may be an erroneous interpretation of its ordinances, an aberration from its principles, but by no means a necessary consequence from its precepts. What would be said of the candor and fairness of that enemy of the Christian faith, who should array against Christianity all the absurdities, may, the cruelties practised by persons calling themselves Christians, in obedience,

as they imagine, to its ordinances? With what affecting pictures might he not embellish the controversy? What dark and gloomy shades might he not throw over that pure and perfect dispensation of happiness to man! Might he not, for instance, describe the horrid sacrifice, still practised in the greater part of Christendom, which dooms youth and beauty to the walls of a convent? With what nice strokes of art might he not describe the lingering torments of that living death, compared to which the flames which consume the Hindoo widow, are almost mercy and benevolence itself? How might he not dilate upon the sufferings of the victim, as all the scenes of youth, and the visions of hope, first recede from her eyes; when the feverish devotion, which lifted her for a while above the world, begins to subside, and all its beloved scenes of friendship, of paternal endearment, its loves, its gaieties, throng again upon her remembrance? I know the argument, with which a Protestant reasoner would defend his faith. We have reformed all this. We have brought Christianity back to its original purity. And is the Hindoo, in whose religious code the self-devotion of the widow is no more to be found than the dedication of nuns to celibacy and confinement is to be found in the gospel—is he to be denied the benefit of the same argument? The same kind of reasoning is applicable to the other crime, that of infanticide, on which the Honorable Member² also enlarged. So far from its being an injunction of the Hindoo religion, it is strongly inhibited by their law. Nay, the horror of this practice seems to have been so present to the mind of the law-giver, that it is the standard both of the guilt and punishment of acts, which have the remotest tendency to prevent the birth of the offspring. For it is declared by Menû, that a woman who bathes immediately after conception, commits a crime equal to infanticide. Infanticide did indeed prevail in one or two provinces, and superstition and ignorance clothed it in the garb of a religious duty. But by what legitimate reasoning can a practice be charged on their religion, which that religion has not only not enjoined, but absolutely inhibited; and which, so far from being prevalent through Hindostan, (as it has been most unfairly stated,) has scarcely been heard of, but amongst the inhabitants of a very few

² Mr. W. Smith.

provinces, bearing scarce any proportion to the general population of the country? Granting, however, the existence of the evil, are there no means of subduing it, or of bringing a people back to the instincts of nature and of affection, but by letting loose among them a description of reformers, who will in all probability drive them into a more obstinate adherence to the very crimes, and errors they pretend to correct? The evil, however, has been extirpated, and without the aid of Missionaries, by Mr. Duncan, the late governor of Bombay, in one of the countries under his government; and Lord Wellesley, in the same manner, abolished the unnatural custom of exposing children at the Island of Sauger. How did they proceed? They proclaimed to the natives, upon the authority of their own Pundits and Brahmins, that the practice was unlawful, and as much at variance with the injunctions of the Hindoo religion as with universal law and natural reason; at the same time denouncing the punishment of murder on those who should hereafter commit the offence. Here then is an instance in which that religion inhibits and corrects the very evil of which it is supposed to have been the parent.

So much then for the vices of the Hindoo character, and the brutal superstitious (such is the polished eloquence of the London Tavern) of the Hindoo religion. But, Sir, it is a singular symptom of this epidemic enthusiasm for the conversion of the Hindoos, that Missionaries are to be sent out of all sects and persuasions and opinions, however diversified and contradictory. No matter what sort of Christianity is imparted, so that it goes by that name: Calvinists, Unitarians, Methodists, Moravians. Provided India is supplied with a plentiful assortment of sects, no one seems to feel the least solicitude whether the Christianity that is to be taught there be the genuine language of its author, or the dream of mysticism and folly. I own, that to me it does not appear quite a matter of indifference, if Missionaries must be sent out, what the doctrines are that they are to teach. I am disposed to think, that Christianity may be imparted in such forms as to render it something more than problematic, whether it would be an improvement on the religion it supplanted; that it may be so defiled and adulterated in the vessels from which it is administered, as to lose all its restoring and healthful virtues. Are there not nominal systems of Christianity,

which are at an equal distance from its primitive perfection with the very superstition which we are striving to abolish? It might, therefore, become an important investigation, whether the blessings of a corrupted Christianity so far outweigh the evils of a tolerably enlightened heathenism, as to make it worth while to exchange that which is appropriately Hindoo, for that which, after all, is not Christian. For instance, if a Christianity is sent out to them, attributing to the beneficent Author of nature the same morose, capricious, revengeful passions which agitate the human tyrant, but with infinity to his power, and endless duration to his inflictions; if it was the primary tenet of that doctrine that the same being had made a fanciful and arbitrary destination of a large portion of his creatures, without blame or delinquency, nay, before their birth, to everlasting misery: and to have as fancifully and capriciously destined the rest to an eternal happiness, unearned by one real merit, or one virtuous aspiration;—and if, in this gloomy creed, an assent to mystical propositions was the chief claim to salvation, while it pronounced the purest and most exalted morals to be equivalent to the most abandoned wickedness;—reason and common sense might be allowed to throw out a few scruples against the subversion of the established morals or theology of India, however absurd or superstitious, if such was the system by which they were to be superseded. Suppose, then, that the Missionaries of this persuasion were to establish their creed amongst the natives of Hindostan. It is obvious that they will have lost all the excellencies of the Hindoo system; but who will say that they have got the advantages of the Christian? Compute their gains. Amongst other prominent peculiarities of their religion, its severe and inviolable prohibitions against the use of intoxicating liquors will have been overthrown. It is scarcely possible to estimate the complete revolution, which this single circumstance will produce in their manners and morals. It will destroy every shade and tint of their national character. It will overturn the moulds, by which they have been secured from the whole rabble of vices, which scourge the western world; vices, of

¹ These consequences have been unanswerably traced to the Calvinistic scheme by the Bishop of Lincoln, in his learned refutation of Calvinism, p. 254.

which drunkenness is the prolific parent, and which render the mass of the population of our own country the most profligate and abandoned in Europe. It is not that other religions do not prohibit this species of intemperance; but the Oriental are the only ones that render it impossible. I really believe, that if the foundations of your power in India were accurately explored, you would find that it was to this national peculiarity (which must be destroyed, if you disturb the sanctions of their law and their religion) you chiefly owed the discipline of your native army, and the obedience of your native subjects. In exchange for this, they will have been initiated into the mysteries of election and reprobation. I leave it to those who are versed in moral calculations, to decide, what will have been gained to ourselves by giving them Calvinism and fermented liquors; and whether predestination and gin will be a compensation to the natives of India, for the changes, which will overwhelm their habits, and morals, and religion?

Can we overlook, also, the difficulties which will be interposed to the progress of conversion by the jarring and contradictory doctrines of the Missionaries themselves? For there seems to be no kind of anxiety to introduce into India that unity of faith, on which the mind of man may find settlement and repose. The Church of England is to send out no Missionaries at all. She is provided indeed with her Bishop and her Archdeacons; and is to loll, in dignified ease, upon her episcopal cushions. But the supporters of the clause have reserved all their zeal for the Sectarians. The whole task of conversion is abandoned to them; and the Parliament of Great Britain is called upon to grant new facilities to the diffusion of dissent and schism from every doctrine which the Law and the Civil Magistrate have sanctioned. It is a most ingenious scheme for the dissemination, on the widest scale, of every opinion and dogma that is at variance with the National Church. But is it the best way of communicating Christianity to a people hitherto estranged from its blessings, to start among them so many sects and doctrines? You will have Calvinists, Independents, Presbyterians, Moravians, Swedenborgians, Unitarians, and other tribes and denominations. It is not, of course, proposed to give them an Eclectic Christianity, composed of a little of each; or a piebald, incongruous, patchwork Christianity, that is to combine all the

varieties into which the Christian world is divided. Has it, however, never occurred to these Gentlemen, that, although schisms and sects may, and in the nature of things must, arise subsequently to the establishment of a new religion, it is in vain to think of beginning a religion with these contrarieties and divisions? The Hindoo may fairly enough be permitted to ask: "Gentlemen, which is the Christianity I am to embrace? You are proposing to us a religion which is to supplant the rites, the doctrines, the laws, the manners of our fathers; and you yourselves are not agreed what that religion is. You require us to assent to certain mysteries, of an incarnation, a miraculous conception, and to other tenets, which some of you hold to be of the vital essence of your creed. But others amongst you deride these mysteries: and the very passages in your Shasters, to which you refer for the testimony of your doctrines, they tell us are forged and interpolated." Surely such perplexities as these must create doubts and distractions, which will frustrate the whole scheme of conversion.

It will be perceived, that I have chiefly confined my remarks to the Hindoos, who, in all questions relative to India, must occupy the principal share of the discussion. They will of course apply with equal force to the Mahomedans. Bernier, who travelled into India during the Mogul government, who has been cited as authority in this debate, and whose writings were admitted by the House of Lords, on the trial of Mr. Hastings, as good evidence of Oriental customs, and who, besides, evinces no inconsiderable portion of zeal for the introduction of Christianity into the East, having witnessed the efforts of the Capuchin and Jesuit Missionaries at the courts of Delhi and Agra, speaks most despairingly as to the practicability of converting the Mussulman population. He cautions his reader against the stories which other travellers had spread of the progress of Christianity in the Mogul states, and against too easy a credulity in the facility of diffusing it. The sect, he says, (I quote from memory) is too libertine and attractive to be abandoned. It is the necessary tendency of doctrines which have been propagated originally by the sword, afterwards to spread of themselves; nor do I see, he adds, that they can be overthrown or extirpated, but *by the means by*

which they have been propagated—unless by one of those extraordinary interpositions of Heaven, which we may occasionally look for, and of which striking appearances have been exhibited in China and Japan. Now, Sir, need I refer the House to the result of the attempt in China and Japan, which M. Bernier did not live to witness?

But I am aware, that these reasonings would be intitled to little weight, if there were not absolute peril in the attempt. Perhaps any kind of Christianity, even the gloom of Calvinism, or the impoverished and scanty creed of the Unitarian, would be an improvement on the ancient religion of India.* That, unfortunately, is not now the question. It is one of the necessities of human affairs, that the choice of man is for the most part placed betwixt evils. The preservation of an empire is delegated to us. No matter how it was obtained. It is in our hands. Of all tenues, it is the most delicate. The threads and ligaments which hold it together are so fine and gossamery, that one incautious movement may snap it asunder. It is a chain which no artificer can repair. But we hold it on this simple condition—abstinence from all aggression on the religions of the country. If the existence of those religions be an evil, it is one which we must endure. The alternative is the loss of our empire. It is idle casuistry to set ourselves about gravely balancing and computing these evils, as if they were arithmetical quantities. It is, in truth, only with the political question, that the House ought to concern itself. Political considerations in this place have an acknowledged ascendancy. All the dignity of our character, and the efficiency of our function, would be destroyed, if our theology was admitted into a partnership with our policy; and religious enthusiasm, the most intractable of all passions, should disturb us in our legislative duties. In this view of the subject, it is enough for us, that the religious revolution which is proposed, involves in it political changes which must destroy our Eastern establishments. Without tracing all its consequences, it is sufficient to keep before our eyes, this direct and primary one; the abolition of castes, that astonishing and singular institution which, compressing the restlessness of ambition and the impatience of subjection by the united weight of an irreversible law, and an

inveterate habit, gives you sixty millions of passive, obedient, industrious citizens, of whom the great mass are by that very institution, which you propose to abolish, irrevocably disarmed, and destined to the pursuits and arts of peace. It is enough for that practical, sober wisdom, which has hitherto presided over our councils, that the overthrow of such an institution would let loose all the elements of strife, and discontent, of active and robust rebellion, before which your dreams of empire, of commerce, of revenue, would be scattered as vapor by the blast. I ask you, then, whether it is worth while to make an attempt, which must be subversive of our existence in India? The moral obligation to diffuse Christianity, binding and authoritative as it is, vanishes, when it is placed against the ills and mischiefs of the experiment. There never was a moral obligation to produce woe, and bloodshed, and civil disorder. Such an obligation would not exist, were the wildest barbarians the subjects of the experiment. But when, in addition to these considerations, which are sanctioned by justice, and policy, and virtue, it is remembered, that the people we are so anxious to convert, are, in the main, a moral and virtuous people; not undisciplined to civil arts, nor uninfluenced by those principles of religion which give security to life, and impart consolation in death; the obligation assumes a contrary character; and common sense, reason, and even religion itself, cry out aloud against our interference. I shall therefore vote for the amendment.

I am sensible, Sir, that the matter is not exhausted. But I feel too deeply the indulgence of the House, to abuse it with any further observations on a subject, which unfolds itself as I advance, and to which I feel, the more I think of it, my own incompetence to render even imperfect justice.

A .

COUNTER ADDRESS

TO THE

PROTESTANTS . .

OF

Great Britain and Ireland ;

IN

ANSWER TO THE ADDRESS OF

CHARLES BUTLER, ESQ.

BY THE

REV. THOMAS LE MESURIER, M. A.

*Rector of Haughton, near Darlington, in the County of Durham, Domestic Chaplain to
Lord Viscount Sidmouth, and late Rector of Newton Longville.*

The Author's "*Plain Statement of the Roman Catholic Question*" was in the Press when Mr. Butler's Address appeared in the Morning Chronicle, and he was induced, in a short Postscript, to take some notice of it ; which he thought might be sufficient : and to that he begs leave to refer the Reader who wishes for more ample information. But for the Reasons stated in the Counter Address, and others sufficiently obvious, it was thought that this shorter work might be of equal, if not more use.

1813.

COUNTER ADDRESS

To the Protestants of Great Britain and Ireland.

MR. CHARLES BUTLER, a very respectable gentleman of Lincoln's Inn, long known as an eminent Conveyancer, well versed therefore in the import of words, has published an Address to you, artfully drawn up in a popular style, and made short, for the purpose of attracting those who decline the fatigue of perusing longer publications, and ~~cluding~~ those who are either ignorant of, or only superficially informed on the subject of the Claims which he and his brother Roman Catholics are advancing.

It has on that account been thought fit that a Counter Address of nearly the same form and size should be submitted to you. It is not that what Mr. Butler has alleged has not over and over again been answered, and most satisfactorily, even by the author of these sheets; but it is, that, dispersed as those answers may be in different tracts, to collect and to apply them may require more attention, and more desire to understand the subject, than are possessed by the great mass of mankind. And in truth the very confidence with which the fallacies and misrepresentations contained in this Address are obtruded upon you, might with certain persons contribute to gain them credit. It may not be readily believed by those who are not aware of the lengths to which men even of liberal minds are sometimes hurried in the pursuit of a favorite object, that what is so positively and steadily affirmed could

be wholly unfounded and unwarranted; and they might too quickly acquiesce in that which they may be told has remained unanswered. Your attention therefore is requested to the following pages. In drawing them up, all bitterness or severity has been, as much as possible, avoided: but, when falsehood or concealment of any kind is to be detected, it is not always possible to be guarded in language without injuring or compromising the truth.

For the sake of those who are not fully informed on the subject, it may be proper to premise a few particulars respecting the Romish religion, as well as a short statement of what is the situation of the Roman Catholics here and in Ireland.

The Reader should be aware that in the seventh century, shortly after the title had been reprobated by Gregory the 1st, one of the most famous of the Popes, as unfounded, arrogant, and even *anti-christian*, Boniface III., by the favor of the Emperor Phocas, an usurper, assumed the title of *universal Bishop*, and, by virtue of it, proceeded to claim and to exercise, as far as he and his successors were permitted to do it, authority and jurisdiction over the whole Church; resisted indeed almost universally in the East, but until the period of the Reformation, generally submitted to in what is commonly called the Western world and its dependencies. Always attentive to the increasing of their power, the Popes went on, still rising higher in their claims, until in the 11th century Gregory VII. advanced openly, and actually exercised, the pretension that he was sovereign over emperors and kings, and might depose them if they rebelled against his dictates, or what he chose to call the Decrees of the Church. Coeval with all this arose the doctrine of Transubstantiation, first broached by Radbert in the ninth century; and finally established by Innocent III. in the 4th or *Great Council of Lateran*. Nearly the same date may be assigned to the final establishment of the celibacy of the clergy; the worship of images, and the invocation of saints; as also the necessity of auricular confession; this last also solemnly recognized and imposed in the same Lateran Council. All these tenets were eagerly laid hold of by the Popes, and turned to use; transubstantiation, as exalting in an astonishing degree the character of the clergy; who had thus committed to them the wonderful charge of making their God; the celibacy of the clergy, as binding them more strongly

to the Pope, while it cut them off from those connections and habits which peculiarly attach men to their homes and their governments; the worship of images and invocation of saints, and more especially auricular confession, with all its consequences, as supplying means by which the empire of the clergy over the laity might be rivetted and consolidated. Not satisfied with this, the Pope, having secured to himself the right of confirming all bishops, obliged them, before they were so confirmed, to vow to him, as to their Lord, the most implicit obedience: swearing not only to maintain, but, as much as they could, to enlarge his authority, his rights, honors, and privileges: and, the more to show their entire dependence upon him, they were made to engage to travel once in every three years to his court, to give an account of what they had done, and to receive his commands: if prevented by any good cause they were to send a sufficient person to represent them, and to discharge this duty in their stead. And further, they swore that they would to the utmost of their power attack and prosecute all Heretics.* Upon the priests at their institution or admission to any benefice, and upon every member of a religious community, an oath of equal strictness has been imposed: in particular they swear that they will do their utmost to keep their subjects ("subditis," or those of whom they have the cure) in the same mind.

In the same great Council of Lateran, it was first declared that the Church was 'one,' and that out of it there is no salvation. That by this was meant the Roman Church, is put out of doubt by the fifth Canon, where it is recognised as being the *Mother and Mistress* of all Churches. Then, after declaring in precise terms the Doctrine of Transubstantiation, it is enacted that all Heretics (of course, more especially those who denied *Transubstantiation*) should be persecuted and exterminated; as, indeed, had already been done with the *Albigenses* and others; and that every Sovereign who was either himself a Heretic, or refused to purge his territory of them,

* As to the omission of this latter clause in the Oath of the Irish Bishops (of which however Mr. Butler has said nothing) the Reader who wishes to know more may consult the Author's Reply to the Observations of Dr Milner, p. 62, &c. And the Oath at large may be seen in the Appendix to his Sequel to the Serious Examination. So of the Oath of the Priests.

should forfeit his crown, which should become the property of any stronger man, to whom it might be assigned by the Pope.

Such is the Doctrine, or (since some of the Doctors insist that it is only a matter of *Discipline*) such is the Ordinance; a *temporary* one they tell us, but it has been acted upon uniformly and most perseveringly for six hundred years. Immediately upon that, laws were passed in every state to enforce it and make it general. Offices of Inquisition were set up in every nation that would endure it, and in consequence, every man who ventured to dissent in ever so small a degree from the Pope was laid hold of, and either forced to recant, or had his life taken from him, most commonly after enduring the most grievous torments. Where there was no Inquisition, the Bishops were charged with that duty, and acted with the same spirit; as was shown even in that Church, which boasted itself to be so free, the Gallican Church. To this day in Italy, Portugal, and Spain, as well as in parts of Germany, not only no native, (or, as the University of Salamanca, in her famous Opinion stating and justifying the practice, calls it, no *settled inhabitant*) who is not of the Roman Communion, is allowed to bear office, but not even to exist. It is believed to be "a crime" (we use the words of Bishop Watson) "even to think well of a Heretic." Of course those Churches which separated from the Romish Church at the Reformation are held in adoration. They are not admitted to be in any respect legitimate Churches: and very seldom indeed is the title of Church, even by courtesy or through inadvertency, by a Roman Catholic, granted to them.

In this country it can never be forgotten that after the solemn excommunication, first of Henry VIII. and then of Elizabeth, the Pope did actually engage Philip II. of Spain to fit out the famous Armada, for the purpose of taking possession of these kingdoms, as forfeited by the heresy of the sovereign and the people at large. And though the attempt at actual invasion was not repeated here, yet by solemn Bulls the Roman Catholics were

* Even in Sicily, under the new Constitution, though professedly formed upon the British model, the same restriction and intolerance is retained. So inveterately has this *exclusive* principle taken root in every country which owns the Pope as its spiritual head.

prevented from taking, not only the common Oaths of Allegiance and Supremacy; but a qualified Oath, acknowledging the king to be supreme in temporals only, and devised by James the First for the ease of such of his Roman Catholic subjects as were disposed to be loyal. 'It is an Oath, 'in substance, the same as the Roman Catholics now take: but which for nearly two centuries they were absolutely forbidden by the Popes to take, and in consequence did not take.

In Ireland the matter is much worse: for repeatedly the people of that country have been incited, and made to take up arms against their sovereign by the 'Bulls of the Pope. In the year 1641, more particularly, a Papal Nuncio was solemnly received there, as such, controlled and directed the operations of the rebels, and actually prevented their acceding to a treaty, which the nobility and gentry had concluded with the viceroy.

It was in consequence of these and other attempts of the Pope to regain his dominion over these kingdoms, thus seconded by great numbers, if not all, of the population in Ireland, and by a great proportion of the Roman Catholics, and especially the Priests, in England, that the legislature, alarmed at the prospect of a Popish Successor, and knowing also that the Sovereign himself (Charles the Second) had a leaning to Popery, enacted those statutes of which 'Mr. Butler complains,—passed, as it appears from the above sketch, not in the heat of the moment, nor on any religious principle, but on a principle of self defence; from a fear, which events proved to be perfectly well grounded, lest the nation should be delivered over to those who were solemnly bound, and *in practice* were showing themselves to be so, not to suffer the existence of any religion but their own.

In this surely there is nothing unreasonable or strange. Still less is it to be wondered at, that when afterwards James the Second, having come to the throne, and in defiance of all laws attempted to force upon the people his devotion to Popery, and having by that produced a Revolution (a *glorious* Revolution we were wont to call it) and it being then decided, that it was necessary that, for the very purpose of preventing a repetition of the same attack, and of securing those liberties which could not otherwise be secured, the Church should form an integral and fundamental part of the Con-

stitution, it was also enacted, as a natural consequence, that to the Administration of the Government thus connected with a *Protestant Church*, none but Protestants should be admitted.

And if these plain facts be adverted to, if the real reasons for the exclusion of Papists from any share in the administration be but properly understood and admitted, there is an end of the question. We will not say that it is not in any respect a religious question, because unfortunately (and hence all the mischief arises) the *Romish Religion, in all its peculiarities*, is a system of policy and domination, carried on indeed with wonderful art and subtilty, greater than was ever displayed by any succession of men in any age; and religion and policy having thus by the Popes been mixed together, the opposition to such a system necessarily partook of the same intermixture; and so produced an Establishment, which has been called Protestant in Church and State. But it is not a question of religious Toleration or Intolerance; it is a measure, properly speaking, of State Policy, and that it has any thing to do with Religion is owing to our adversaries, and not to us.

Without, therefore, saying that this is a question *wholly* of a political nature, which has been said, and may perhaps with strict propriety be said; yet we may positively aver, that the restrictions upon the Papists having any share in the government, proceed merely upon political grounds; that they are safeguards adopted for the preservation of the government and that only. It is simply and purely because the Papists must necessarily be hostile to one part of our Constitution, that they are excluded from bearing office in this country. It would be the greatest want of wisdom, it would be madness, to admit persons into the administration of the commonwealth, who must have a strong and overbearing interest to overturn a part of it: and so to produce a change in that, which it is the professed end of all laws to preserve and perpetuate.

Indeed, the motives which must most forcibly impel all Roman Catholics to desire to destroy our Church and establish theirs, are the strongest that have ever been devised; because they act most powerfully upon the conscience. Every one of them believes, not only that our Church very wrongfully and improperly separated itself from the Church of Rome at the Reformation, but that by that separation it became an engine of eternal perdition to all its

followers: He is therefore bound, as he values his own salvation, to detest it, and to avoid all intercourse with it: He is also bound by every tie of charity and love towards his neighbour, to remove that which is the great stumbling block in the way of so many Christians. Besides this, he is taught in his Church that he cannot do a better work; and by these and other meritorious works (for he is still studiously taught, and for this very purpose, that man may have *Merits*, in the proper sense of the word, before God) he is also assured that he may make satisfaction for the sins he has committed; and secure to himself not only Heaven, but a release from the fire of Purgatory, to which he must otherwise be subject.

Added to this, exclusive of the wish which every man must feel to see his Religion exalted and had in honor, he is under the dominion of his Bishops and Priests, who have the most powerful secular interest urging them on to the overthrow of our Church. They consider our sees and our benefices as their rightful property; as possessions of which they have been not only wrongfully, but impiously deprived, and out of which they are still by the same wrong and impiety kept. Every temporal and every spiritual motive are thus combined to animate both Clergy and Laity, both Priest and People, to bring back again that Government in the Church which prevailed under Mary, emphatically styled The Bloody; and which, it was the object of James the Second's reign, at any cost, and by any means, to establish.

How great this dominion of the Clergy over the Laity is, will come presently to be considered: our business at present was only to show, what was really the question which Mr. Butler has very carefully, and for very obvious reasons, avoided to touch upon. Which is only one of the instances in which he has endeavoured to mislead the Reader. It became proper, therefore, in the very outset to show, that this is in no respect a question of Toleration or Intolerance; that all the Disabilities of which the Romanists complain, arise merely out of their being in their very nature, and radically, hostile to our Constitution, and by necessary consequence being wholly unfit to be trusted with any share in its Administration.

They cannot be Prime Ministers, they cannot command our Armies, it cannot be too often repeated, because they must inevita-

bly be desirous to overturn the Establishment : because, of course, they would favor every measure which only tended that way : and by every device in their power would weaken and impair, instead of strengthening, its foundations.

Another circumstance which Mr. Butler has kept out of sight, but which is very important to be borne in mind, is the particular situation of the Roman Catholics in this country, different indeed in some rather material respects from that of their brethren in Ireland.

At the Reformation the number of Roman Catholics left in the kingdom was so small, that it was insufficient to keep up, as was done in Ireland, a form of their ancient Establishment. They were left therefore wholly, and immediately dependent on the Court of Rome itself, for spiritual direction. Such Priests as it could send over from time to time, and in spite of the laws, it did ; and they came, as it was abundantly proved,¹ disposed and resolved to support the Pope's pretensions to the utmost. Afterwards the body at large were indulged with an Arch Priest, Blackwell and others, in James the First's time : then one Bishop : after which they were governed by a Dean and Chapter, until, in James the Second's time, there was a regular division of the kingdom into four districts ; and four Prelates (Bishops *in partibus*² as they call them) as Vicars Apostolical, were appointed to rule over them : and that form has continued to this day.

Now it is evident from this, that as these Prelates are, even by their very title, mere deputies of the Pope, they must be peculiarly dependent upon him, and charged to advance the interests of their principal, and to support all his pretensions. Through them the Pope has in fact the appointment to every cure of souls in their Communion, as is the case in Ireland.

In that island, indeed, the Romish Hierarchy, as we have observed, is modelled according to the ancient form, and a perfect

¹ See Lord Burleigh's Tract, "Execution of Justice not for Religion but Treason," reprinted in the 3rd vol. of the Preservative against Popery.

² "*In partibus infidelium*," for some districts inhabited by Infidels, which, of course, they are never intended to see : but are to be sent wherever Pope chooses.

double of ours. Nay, the Romish Archbishops and Bishops do actually make it a point to be formally enthroned in the Cathedrals of the Sees to which they are nominated: thus asserting in the most emphatical manner, that the authority which they exercise is that of lawful Bishop or Archbishop of the See, into which the Prelate of the Establishment has, according to them, unlawfully intruded.—And so far those Gentlemen may appear to have an existence and a jurisdiction more properly episcopal; and so, if they were in a situation to assert it, of more independence. There appears, however, as to this, to be no difference between them and the Vicars Apostolical. They must be under the absolute dominion of the Pope, (as indeed their oath binds them to be; but otherwise they must be so) because as they reject all interference or protection of the Civil Power on account of its being an *Uncatholic* State, as they call it, they have not that barrier against the unlawful commands or encroachments of the Pope, which to a certain degree the Clergy in Romish countries enjoy; and which enabled the Venetian States and the French King to oppose with some success the Papal Claims in their day.

What is the authority of the Pope over his Prelates, and how exerted, we shall see as we go on. It will also appear how despotic is the dominion of the Hierarchy over the people at large.

We may now proceed to consider Mr. Butler's Address regularly. And if you, my Protestant Brethren, will only bear in mind what has been said, it will greatly shorten our labors.

First, in the introductory part, there appears a material "*suppression veri*," a suppression of the truth, which Mr. Butler knows is almost as bad as the "*suggestio falsi*," or suggestion of what is false. He begins by stating to you the Resolution of the *late* House of Commons passed last session, stating that it would take into consideration the laws affecting the Roman Catholics, "with a view to such final conciliatory adjustment, as might be conducive to the Peace of the United Kingdom, *stability to the Protestant Establishment*, and the *general satisfaction* and concord of *all classes* of his Majesty's subjects."

Now what Mr. Butler forgot to mention is, first, that this which was carried in the House of Commons by no very large majority, when proposed in the Lords was rejected. Next, he should

have mentioned that many who voted for it, did it under the idea that certain Securities might be devised, and such Stipulations or Oaths brought forward by or on behalf of the Roman Catholics, as should remove all apprehensions for the safety of the Establishment from the adoption of the measure sought for, and so give satisfaction to *all* classes. And he should have added that, since the passing of that Resolution, the Roman Catholics of Ireland had with one voice declared, that it had been confirmed by most solemn Resolutions of their Hierarchy,¹ that no further securities could or should be given by them to Government—so that, if that Resolution be to be understood as a plain man would understand it, as to be carried into effect according to the plain terms of it, there is now an end of it, and it is little more than waste paper.

Mr. Butler might also have told you *why* he was enabled to state *only* that the Roman Catholics of England *intend* to petition Parliament: it would then probably have appeared that this conduct of their brethren in Ireland had very much *discomposed* them; that they have even had some communications with this violent *class* of Papists, who had refused to listen to them; so that, so far from there being any prospect of satisfaction and concord taking place among *all classes* of his Majesty's subjects, there is great discord and dissatisfaction between the two classes of Roman Catholics who are advancing these Claims before Parliament.

And this will be a much better reason than that which Mr. Butler has given, for his "confining himself" to the case of the English Roman Catholics only; for certainly there is no such essential difference in their situation, and that of the Irish or Scottish Papists, as required a different mode of argument. If it be wisdom and justice that the one should be admitted to office, the principle and the practice must extend to all. It may be indeed, and some persons more than suspect it to be true, that the Irish Roman Catholics have in store the claim of right to have the Hierarchy Popish, and all the endowments of the Church transferred to them, on the ground that they are the majority of the nation:—

¹ Which see in the Protestant Advocate for January, p. 205. with observations.

which certainly does not apply to the English and the Scottish. But this is not avowed nor given as a reason by Mr. Butler.

When, however, Mr. Butler chose thus to separate the two cases, he should have really confined himself to the case upon which alone he chose to argue. But he has done no such thing. On the contrary, he has chosen to adduce, where it served his purpose, the Oath taken by the Irish Romanists, instead of that taken by him and the rest of the English. What then, may it be asked, could this have to do with the case of the English Roman Catholics? In truth, it has a great deal, but in a very different way from what Mr. Butler meant that it should have: for a recurrence to that Oath decidedly shows the complete despotism which these Vicars Apostolical exercise over the rest of the Popish Community.

°Shortly, then, all Protestants should know, that in the year 1789, the Roman Catholics of England being desirous of obtaining further concessions from the Legislature, drew up a Declaration and Protestation signed by the leading Roman Catholics among the Laity, and many of the Clergy, even some of the Vicars Apostolical and their coadjutors, by which they renounced all belief in the Infallibility of the Pope, and in the unconditional power of Absolution in the Priest. Upon this Declaration a form of an Oath was framed exactly agreeing to it, and was inserted in a Bill brought into Parliament for their relief by Lord Redesdale, then Mr. Mitford. But while it was going on, Dr. Milner, of whom every one must have heard, sent intelligence to Rome, and from Rome orders were immediately dispatched to the Vicars Apostolical, not to suffer any such Oath to be taken; and accordingly, by a certain instrument called an Encyclical Letter, bearing date Oct. 21, 1789, they declared it unlawful to take any such Oath. Upon this the Committee of Roman Catholics who were conducting the business of the Bill, very strongly remonstrated with these Prelates on the subject; they urged the previous Declaration; they argued in the very way in which Mr. Butler does in this Address, as to the real tenets of the Roman Catholics, and arraigned pretty sharply the usurpations of the Pope,—all this, however, had no effect; it could not even extort any thing like a reason for their conduct from the Prelates; but only after a dis-

cussion of more than a year, a second Encyclical Letter comes out enforcing the former; declaring that it had been confirmed by the Holy See, and sanctioned by the Bishops of Ireland and Scotland;—and the Injunction was submitted to and the Oath withdrawn.

Now, how it happened, that only two years after this an oath precisely similar to this which is thus declared to be unlawful, should have been submitted to in Ireland, without any opposition from those very Irish Bishops who had thus sanctioned the condemnation of that other, is a matter for them to explain. It certainly must cast a suspicion upon their good faith,—it must strengthen in every Protestant, that opinion so well justified by the whole course of History, of the insincerity of the See of Rome and its adherents, of their time-serving policy, never yielding but through necessity, and then only yielding with a view of resuming as soon as the opportunity shall offer. But, however that be, it must be allowed, that under these circumstances, when Mr. Butler had limited himself to the case of the English Roman Catholics *only*, this oath of the Irish Romanists was of all things the last which he should have brought forward. It is an oath which it is still unlawful for a Roman Catholic in England to take; which Dr. Milner, one of the Vicars Apostolical in England, speaking with a reference to this very Mr. Butler, calls “his” (Mr. B.’s) “*heterodox oath, a work of falsehood and deception.*”¹ Surely the use of that oath attempted to be made here by Mr. Butler, is much more liable to that charge. Mr. Butler felt it for his interest and the interest of his brethren here, not to be confounded with the Irish Romanists, on account of the spirit of violence and disaffection which these last have manifested; but, relying on the ignorance of his readers, and most unfairly, he has endeavoured to avail himself of a circumstance peculiar to that class of Roman Catho-

¹ Letters to an Irish Prelate. Keating and Co. 1811, p. 45. See also p. 16, and elsewhere. The Declaration and Protestation, with all the Documents, is published by Stockdale, Pall-Mall, pr. 5s. At p. 99, the reader will find a Vicar Apostolical expressly denying that the Assembly had “any right to require him to inform them of the parts of the oath which he thought censurable, or his reasons for thinking them so.” See also Encyclical Letter, p. 154.

lies, which he most particularly was not intitled to take advantage of.

We now come to the body of his Address, rather ostentatiously divided into sections.

I.

The first does little more than detail the Statutes which affect the Roman Catholics, beginning with the 13th of Charles the Second. They are stated as grievances. Now to this, it may be fairly said, a sufficient answer has been given above. If they be felt as grievances, it does not arise out of the intent of the legislature in passing them; for they were enacted merely as necessary safeguards for the constitution, and, when the date is adverted to, it will sufficiently appear, not before they were wanted. The Roman Catholic, it must be repeated, is and must be essentially disaffected, nay, absolutely hostile to a part of the Establishment: and therefore he cannot be admitted to any share in the administration of it. This is the whole of the matter. A government has a right to provide for its preservation by only employing those who are well-wishers to it; and if there be any class of men, who from any circumstance are so situated as to have a contrary feeling, it has a right to exclude them: and it would act foolishly if it did not.

On one of these statutes, indeed, Mr. Butler makes a very curious remark. He complains that the "Roman Catholics are disabled from presenting to Advowsons:" that is, he means to benefices when vacant: for they may sell their advowsons, or even next presentation. But, he adds as a grievance, that it is what the law allows to a Jew. Now the answers to this are obvious enough. Whether there be any Jews or not who are possessed of advowsons may be a question: Mr. Butler knows also that it is not an absolutely settled point, whether Jews are capable of holding advowsons; letting that pass, however, it is plain that a Jew could have no interest in presenting an enemy to the Established Church. He has no church of his own, which he can ever hope to place in its stead. At any rate it will be sufficient for the legislature to guard against abuse, when that abuse is shown to exist.

To take out this head, much is said about the hardship of a Roman Catholic soldier, in being forced to attend divine service in our churches, where, with the same breath, it is admitted, that in practice no such hardship now exists. It is also evident that no soldier could ever have been subject to the "heaviest pains and penalties" merely for refusing to attend divine service.

Lastly, after talking, as they all do, of the hardship of contributing to the religious establishment of the country, he makes a complaint which is of a somewhat dubious kind. He says, that, "their religious endowments are not *legalised* like those of the Protestant Dissenters." What is that difference which is here adverted to, it might have been as well to specify. It does not seem to be great: and, in fact, we know, and see every day, that new Roman Catholic chapels are built, and contributions raised as well for the building, as for providing persons to officiate there. We hear also of large establishments, as schools: nay, of monasteries: and in Ireland, for we may be allowed to cite Ireland, a College for the Education of Priests is actually supported by government.

II.

The second head is a sort of supplement to the former, setting forth in a very dolorous appeal to us, that the Roman Catholic is *degraded* by his exclusion from office. Now we know of no such feeling, or occasion for such a feeling. Many of us have lived to an advanced age, without a qualification to vote for a member of parliament: or to sit in parliament ourselves. Did we feel ourselves degraded by it? Aliens are incapable of bearing office, even when naturalized: is that a *degradation*? It is an incident to which they are subject from their birth. And the case of Roman Catholics in this country is not very unlike. The Alien is not suffered to have political power, because it is supposed that he will have an attachment to his native country, which may give him an improper bias. The Roman Catholic has not indeed a foreign country, but he has a foreign religion, the natural influence of which must, we think, act unfavorably upon his mind, and interfere with the duties which he would have to discharge, if he were put into office

in this kingdom. But neither the Alien nor the Roman Catholic are degraded by this. We remember, indeed, when it was thought that Roman Catholic families, so far from feeling themselves degraded, on the contrary, thought highly of themselves, and enjoyed no small degree of consideration, on the ground of their having adhered to what they called the religion of their ancestors, under heavy disadvantages. If they be ever looked upon by Protestants in any view at all degrading, it is not on account of their exclusion from office, but on account of the particular nature of their religion, which even one of their most strenuous advocates, (Mr. William Cobbett) once characterised as “a degrading superstition :” and which certainly, to a Protestant mind, always comes accompanied with an idea of great bigotry, and blindness of understanding.

III.

Under the third head we must still hold that it would be detrimental, and not beneficial, to the state, to give to the Roman Catholics any degree of political power. All that is said by Mr. Butler of the numbers, and, of course, as he means to infer, strength, of this class of men, only makes them the more objects of suspicion. It is believed on good grounds, that if they could they would overturn the state, in order to introduce their religion : and, if so, this prodigious mass of genius, talent, and wisdom, which Mr. Butler attributes to them, is only a more powerful argument for their exclusion. We believe, that if put in a situation to be our rulers, they would only more eagerly, because with a fairer prospect, look to “a new order of things,” which should end, what they would still call, their “injury, insult, and degradation,” as long as their church had not the supreme authority in this realm.

IV.

We must also still believe that it is not a question of toleration or intolerance. Of the Corporation and Test Acts, we have already given the rise, and the reason why they were passed ; and we must think that the late period at which they were enacted, as

it shows that our ancestors were in no hurry to exclude the Roman Catholics, speaks strongly in their favor. It shows that they were not passed without due deliberation, and after mature experience of what the Roman Catholics were, and what might be feared from them. It may be denied too, that eligibility to office is any Common Law Right, or any natural right at all. How has any man a right, strictly speaking, to govern another? He has it, only for the convenience of all. He has it by some original appointment at the first constitution of the nation, or by some order afterwards adopted. But it is no personal right in him, such as is his right to goods and chattels. The *right* is in the state; the individual has *duties* to perform. And the state has a right to say whom it will have to administer its concerns, as every individual may say whom he will have for his steward. It would be a strange thing for a man to remonstrate with another, because he had declared that he would not have him for a servant. And much of this stamp is the complaint now made by the Roman Catholics. Only that the individual may have said it from caprice; but, as we firmly believe, the state here has acted upon good reasons.

Mr. Butler, aware of the weakness of his ground, ekes out this article also with an invidious reference (showing sufficiently what is in the mind of a Romanist), to the hierarchy, the endowments, and the *tithes* of the Established Church. And concludes, having nothing more to say on this head for the English Romanists, with a quotation from the Irish Oath, with which we have seen that he has nothing to do.

V.

We now come to certain sections relating to that which has been always considered as the great obstacle that prevents the Roman Catholics from being on a footing with their fellow subjects, the Papal Usurpations. And first the Supremacy. Certainly this is a very material point; yet it is not the whole according to the principles above laid down. Because if it were possible for the Romish church to subsist without a Pope, yet with its claims of being the *only* Church, and with all the motives which have been stated for its members to desire the

overthrow of our Establishment, there would still be good reasons to continue their exclusion. Certainly, however, the Supremacy of the Pope, as long as it is arrogated, must be a decisive bar. It is acknowledged that he has claimed and exercised the right of temporal power. It should be added that he has done this under the sanction of general Councils, to which, when in conjunction with the Pope, by all Romanists infallibility is ascribed. It is true also, that his claims have been resisted. There is a point of forbearance beyond which flesh and blood will not go : and when men's temporal interests are strongly touched, their eyes more readily open to see and discern abuses. Therefore when King and People were agreed, the Pope could do little or nothing in this way. But when there was either a disputed title, or considerable discontent in a kingdom, then it was that the Pope's power was felt to be indeed tremendous, even in temporals. Now the only way in which the Pope could interfere with the temporalities of this realm, must be such as could not but be agreeable to his Roman Catholic subjects. His object and theirs must equally be, the restitution of their common Church ; and we may be allowed to doubt, whether, if the balance should be between the Pope exerting himself to overthrow our Establishment, and an *uncatholic* Sovereign laboring to maintain it, they would all be found to throw their weight into what we call the loyal scale. As to the effect of Oaths, and the Opinions of the famous Universities, they will be considered below.

After all, who is to make the very nice discrimination between a temporal and spiritual Supremacy ? The Pope is admitted by them to be judge, nay an infallible one, and his clergy in their confessional, exercise similar judgment, in all points of *Morality* as well as of *Faith* ! And who shall say how far this may not go ? To advance the kingdom of God, which with them is only another name for their particular Church, is undoubtedly the duty of every Christian, and who can say, with these views of the subject, to what that may not oblige them ?

• See Dr. Milner's Pastoral Letter of 1808, p. 13, or the Author's Address to the Roman Catholics of England, p. 106.

VI.

It is not only a received opinion, but a tenet sanctioned by decrees of Councils, and almost innumerable bulls of Popes, that they may absolve subjects from their allegiance to their Sovereigns. We have seen it above. It is admitted that the Roman Catholics here disclaimed it by their Oaths ; but it is denied that the rescript of Pope Pius VI. *proscribes* it. The rescript at large may be seen in Dr. Troy's pastoral letter for 1798. It is a master-piece of equivocation : ' As for the Universities, they will be noticed in their proper place.

VII.

Precisely the same answer must be given to the next head of the Doctrine, that Princes excommunicated may be murdered by their subjects. Only as to the rescript of 1791, we may add further that in it the words "*excommunicated*" or "*under excommunication*," are not once mentioned.

VIII.

It should be always understood, that the charge against the Romanists is not that they deem it "lawful to break faith with Heretics" *generally* : but only when the keeping of their oath or promise would be prejudicial to the interests or the jurisdiction of their Church. This is the express decree of the Council of Constance in its XIXth session.² And upon this the Popes have acted over and over again. And how Mr. Butler can venture to contest this is inconceivable ! He says that the *Facts* of the Council of Lateran having assumed temporal power, and the Council of Constance having authorized the violation of the safe conduct granted to John Huss, are *positively deplored* by the Roman Catholics ! Does Mr. Butler mean to say that *he* denies

¹ See also the Author's "Reply to Dr. Milner," p. 62, &c. where it is commented upon at large.

² See Eimius, Concil. Constant. or see the Author's Reply to Dr. Milner's Observations, p. 219.

those *Facts*? If he shelters himself under the subterfuge of Roman Catholics* in general denying them, he makes the body at large liars, and himself guilty of equivocation: but then he seems to admit that it may be so:—"If they did it what does it signify"!! the council of Lateran, it seems, did wrong, and the council of Constance infamously: and "*there's an end on't*"!!! Is not this a pretty way of disposing of Decrees and Acts of Councils? of *infallible* authority, he it remembered! No, Mr. Butler knows well that the way to make "*an end*" of such things is by condemning or revoking the Decrees by the same authority that passed them, and which has acted upon them for ages. Mr. Butler must be aware that if he had uttered those words at Rome his life would have answered for it: or if he had escaped death in some shape or other, it would only have been under favor of his being an Englishman.

As to the argument which he draws from the Roman Catholics having declined to take the oaths of supremacy and allegiance to the King; it is plain that they declined it not from any tenderness of conscience, but because the Pope forbade them; and so (to use his own words) "*there's an end on't.*"

As to how far any oaths which they take may bind them, it should be always remembered that they believe the Pope to be *by divine appointment* vicar of Christ upon earth. An obligation is hence laid on them not only to obey but to support his authority. Whether that obligation, or the obligation of an oath, would be most attended to, might depend upon circumstances. We wish to lay no snare for their consciences.

IX.

As to the opinions of the foreign universities; in the first place, they signify not a rush. Did the Pope hold himself bound by the opinions of the universities, which were taken on behalf of Henry VIII.? But, besides, they are of no value on other grounds. Some of them state what is false. Others what is inconsistent. One of them justifies the burning of John Huss: and another the intolerance of Spain. All this the Author pointed out several years ago, and has never been answered. They were in truth mere "Springs to catch Woodcocks."

* See the Sequel to the serious examination, p. 30, &c.



Mr. Butler next states, that the Roman Catholics deny "most explicitly that they hold it *an article of their faith, or think it lawful, to persecute heretics for their religious opinions.*" Now, here again, what does he mean by the Roman Catholics denying it? does he mean the Roman Catholics of Italy, of Spain, of Portugal, of Germany, of Sicily, of South America and the East Indies, nay, of the great body of Roman Catholics in Ireland? If he means only to say, that he and a few of the leading Roman Catholics *here* disclaim it, nay, that Dr. Milner, having no power to persecute, and knowing that in this country he could not be heard if he did not disclaim persecution, has said, what he knew not to be true, that it is no doctrine of his church, it may be so; but what security is that to us? Very foolish would that man be, who should put it in the power of Dr. Milner to prove how far he is sincere!

But Mr. Butler has a set-off. We, it seems, have been persecutors. Suppose we had, it was only what we learned from the Popes, and unfortunately did not forget quite so soon as we ought. But what is this set-off? Why, it is really worth attending to. The massacre of Paris, (he should have said all over France) on St. Bartholomew's day, is *not more horrid* than the atrocities of the Anabaptist Protestants at Munster! That is, a solemn deliberate act of an established government, accomplished by the blackest treachery, on the very ground of a *difference* in religion, approved by the *Pope* on that ground; is to be likened to the wildest ebullition of fanaticism, directed against Protestants as well as Papists, and put down by both, even Luther himself assisting! What indeed are the Anabaptists at Munster to us? "What" as he says "signifies it?" Again, the *burnings* in Queen Mary's time, of men and women, *for denying Transubstantiation*, and that only, are nothing more than the executions of Priests in the reigns of Elizabeth, and the Princes of the House of Stuart! As to which it is clear that they were executed as emissaries from the Pope, being his sworn liege subjects, and he at open war with our sovereigns. They died as spies and traitors, not as Heretics. And how few in comparison to the executions in the three short years of that bloody Queen? Lastly,

will it be believed? "more cannot be said against the revocation of the edict of Nantes, than against the deprivation of 2000 Presbyterian ministers of their livings by the Act of uniformity"!! What? the direct and most cruel persecution of hundreds of thousands, nay, millions of loyal and unoffending subjects, upon no one charge or complaint, but that of their religion, is no more than the ejecting from their livings (into which, by the by, many of them had come only by the ejection of other prior and lawful possessors) of a certain number of men, who by refusing to conform to the order of the Church, in fact disqualified themselves from remaining in that situation! These are parallel cases are they? Then we are told of Oates's plot. Why, true or false, the charge was treason, not heresy. Then, it seems, Servetus was burned by Calvin. Would he not have been burned if he had remained in Spain? How, is this then a *Protestant* burning, to be set off by a *Papist*? Fie on it! How hard must Mr. Butler have been driven, how does he condemn himself by flying to such miserable shifts! He knows that there never was a Papist who was called in question for his religion, merely as his religion. Never was there a man burned or any way vexed for *maintaining* transubstantiation; and what millions have been destroyed by them for *questioning* it?

XI.

As to the "*Doctrines respecting Sacerdotal Absolution*," it is certain that the notion of every Roman Catholic who confesses himself to a Priest, is, that by that Confession and Absolution, and doing the Penance enjoined, his Sin is done away. That is the notion, in practice followed up. And it is sufficiently authorized by the Canons of the Council of Trent declaring the doctrine of *Attrition*: that is, the sufficiency of *imperfect* Contrition with the Sacrament, as it is called. And Mr. Butler knows that the passage which he has alleged from his Prayer Book is contrary to those Canons. It is contrary to what is laid down in the Prayer Books for the Irish. Let them look to it, and agree in their doctrine among themselves. It is sufficient for the present purpose that both their doctrine and practice are liable to suspicion. It is all carried on in secret; *auricular*; it has been abused; and we doubt not is now often abused. But, that it is *liable* to abuse,

may satisfy us in the present case. And does not Mr. Butler remember, that he, most emphatically *he*, has been forbidden to take, nay, stopped from taking an Oath disclaiming the power of unconditional Absolution; and that that Oath was condemned as unlawful?

As to the pretty trap laid by Sir John Cope Hipplesey, following Dr. Milner, in the House of Commons; and into which Mr. Wilberforce fell: Mr. Wilberforce might have escaped it, if he had happened to read what others had written, and which Mr. Butler might as well answer if he can.¹

XII.

The Athanasian Creed is a Creed of the old Church, received by Papists as well as Protestants. Its Declarations imply no more than our Saviour's words: "He that believeth not shall be damned;" and St. Paul's assertion that no Fornicator nor Idolator and the like shall inherit the kingdom of Heaven. They do not oblige us or lead us to persecute any one. But when it was declared by a Popish Council that the Church (meaning their own) was *one*, out of which none can be saved, it was *then also* enjoined that Heretics should be persecuted; and this *practical* commentary on the doctrine has been constantly followed in all Popish countries. *That* makes the difference. Papists may *deny* it. But it is a *fact*. As to the declaration of the French Protestant Church, it will be found that when they said, "out of the Church there is nothing but Death and Damnation" they meant the *Catholic* Church in our sense of the word, which does not exclude the Church of Rome, however corrupt.

XIII.

We have enough to do to answer the gentlemen according to the plain sense of words, and we must be excused from the fatigue of reconciling them with each other where they differ, as certainly

¹ See the Author's Reply to the Observations of Dr. Milner, p. 99.

Mr. Plowden and Mr. Butler do differ, and "there's an end on't."

XIV.

*We have never "compelled any one to enter our Church : " it is they who have acted thus. Why then address all this stuff to us ? It is, like the rest, throwing dust into the eyes of those who choose to be blinded. Does Mr. Butler seriously believe that his Socinian Creed can go down with us, or with his Bishops ? Can we, who believe the Divinity of Christ, and his proper atonement, join in the worship of God with those that deny both ? Or can we use the divine services of those who, in derogation of Christ's sole mediatorship, admit of other mediators and intercessors ; who bring down Christ from Heaven, to shut him up in a piece of bread ; who, in contradiction to those Scriptures, which say that he was *once* offered for the sins of the whole world, pretend to offer him up *every day* for the sins of particular individuals ; who bow down before images in a way which we believe to be idolatrous : How can there be communion between them and us ? When they shall have renounced these tenets, we will (as the Bishop of Durham has said) joy indeed to make one people with them ; but Mr. Butler well knows that there is not the most distant prospect of this. Nay, for the very idea of it he will be censured by his prelates, and considered, as he has already been by them, as a decided " Enemy to the Hierarchy of his Church," a mere " smatterer in Theology ; " nay, joined with the Author of these Pages by name, as among those who vex and disturb his Church.² By what authority then does he hold this language ? What can he have in view but to deceive those whom he addresses, as if he were a man who had influence to procure that to be adopted which he recommends ? Let him no more deceive you or himself ! Let him not tread in the steps of that man whom he is so fond of panegyriizing. There never was a greater equivocator*

¹ In his last Charge, 1810.

² See *Letters to an Irish Prelate*, by Dr. Milner, p. 5. and *passim*. See *Letters of Dr. Milner* first published in the *Statesman*, p. 31.

than Bossuet ; none who more clearly prostituted great talents to the purposes of ambition.¹

If the Inquisition be put down, thank God for that ! But Mr. Butler must know that much, very much, after that, remains to be done.

¹ See Archbishop Wake's Preface to his Exposition of the Doctrines of the Church of England, and Defences of it, in vol. iii. of Preservative against Popery, and Mosheim, vol. v. p. 126.

Public Prosperity :
OR,
ARGUMENTS
IN
SUPPORT OF A PLAN
FOR RAISING
Six Millions Sterling ;
AND FOR
EMPLOYING THAT SUM IN LOANS
TO
NECESSITOUS AND INDUSTRIOUS PERSONS.

The love of Nature unconfin'd, and chief
Of human race : the large ambitious wish
To make them blest. THOMSON.

SECOND EDITION.

BY ANDREW BECKET, ESQ.

AUTHOR OF 'LUCIANUS RIDIVIVUS,' &c.

The following pages, written in the cause of—"Suffering worth," were published several years ago. They are here reprinted in the ardent hope that the plan laid down in them may be yet adopted by those who from their situation in life could give it a full and lasting effect.

1813.

PUBLIC PROSPERITY, &c.

EVER solicitous for the welfare of my fellow-citizens, and firmly persuaded that in promoting their interests I was contributing to the happiness of my Sovereign (the first and most virtuous among m^eu) I lately did myself the honor of laying before the minister (Mr. Pitt) a plan for the relief of necessitous and industrious persons, by a capitation or *poll-tax*: which tax was to be imposed on the affluent and prosperous in proportion to their respective incomes or situations in life. I must here beg leave to observe that it was proposed not only from a principle of *humanity*¹ but of *policy*; yet, as our rulers, by reason of the present state of affairs in a neighbouring country, appear to be averse to advance the interests of the community at large, in the belief that with an increase of fortune they must necessarily increase in power: in other words, that on finding themselves *easy* they would consequently become *factionous*—I shall endeavour to show, by some few, but, I hope not contemptible, arguments, that

¹ “I cannot but sympathise,” says an elegant Writer, “with every one I meet that is in affliction; and if my abilities were equal to my wishes, there should be neither pain nor poverty in the world.”—These are the sentiments, this is the disposition, of a man who knows his duty towards his Creator; and who, in manifesting that disposition, appears, indeed, to partake of the nature of that Divinity whom he, no doubt, adores.

the fears which have been manifested on the occasion are groundless; and that the very reverse of what is apprehended would assuredly be the effect of an adoption of my scheme.

The levelling principles held out by Mr. Paine and his abettors, have contributed not a little to awaken the fears alluded to. When I talked, in my letter to Mr. Pitt, of the too great inequality among the people of England, it was evidently from a so totally different motive, with a view so diametrically opposite to that of the quondam secretary to the American congress, that I cannot but express my surprise (commended as the plan has been by those who have investigated it throughout) that no one has yet stood forward and become its advocate with the existing powers. As the present publication may possibly fall into the hands of many who had not an opportunity of considering the plan originally suggested by me in my Letter to the Right Honorable Gentleman whose attention I had solicited in the matter—I shall take the liberty again to submit it to the consideration of the public. In doing this, the clearer way will be, in my opinion, to reprint the pamphlet in question exactly as it at first appeared (especially as the impression is entirely sold off,) and afterwards to subjoin to it such further reasons for carrying the aforesaid scheme into execution as may since have presented themselves to my mind. The Letter to the Minister is as follows:



TO THE RIGHT HONORABLE WILLIAM PITT.

SIR,

IT was the opinion of LYCURGUS, that “the two extremes of great wealth and great indigence are the source of infinite mischiefs in a free State.” Such being the condition of the inhabitants of Sparta,¹ that eminent Lawgiver, as you remember, in order to banish arrogance and

¹ The words of Plutarch are as follow:—“There was a very strange inequality among the inhabitants of Sparta, so that the city was overcharged with a multitude of necessitous persons, while the lands and money were engrossed by a few.”

envy from the Commonwealth to which he belonged, persuaded the people to reduce the entire country to a common stock, to consent to a new division of the land, and to *dwell together in perfect equality*. The Spartan times of Sparta are not to be revived at the present day.

Still, however, there is manifestly too great an inequality among the people of England. As it is my intention, in the course of the following pages, to point out a means of removing, in some sort, that inequality of eradicating that most fatal of all State-distempers, *too great a degree of poverty among any particular and useful orders of men*, and at the same time with evident advantage to all parties, I shall unquestionably be listened to with that attention which the importance of the subject demands.

It is a well-known fact, that the middling or trading class of people constitute the riches of a State. The Plan, Sir, which I have now the honor of laying before you, is not designed to extend to the sick and aged among the *Poor*, properly and commonly so denominated, for whom sufficient provision is already made,¹ (and to whom, under proper regulations, it is at all times to be continued) but to those persons who, from want of success in any business in which they may have been engaged, and who, from being entirely destitute of friends, or, at least, of any in a condition to assist them, are reduced to a state of penury and distress.—Without further preamble then, I propose that the Sum of Six Millions Sterling, be raised by a Capitation or *Poll-Tax*, as it is usually termed; and this to be imposed on such persons, and in such proportion, as the wisdom of Parliament may determine. I must here take occasion to observe, that it must not be objected to the Tax in question, that it is *an unpopular one*. In the present case, and for the purposes for which it is imposed, it will be wholly and totally the reverse. But this will fully and particularly appear in the sequel. The money thus raised, or the greater part of it, is to be lent out to necessitous and industrious people: part bearing interest at three per cent. and part without interest (see the Plan, page 562) returnable in case of their success in any business or engagement whatever. The whole to be under the management of a certain number of persons appointed by Parliament, and who, in a Committee, are to have a discretionary power of advancing

¹ The Plan which is here proposed, goes to the reducing of the Poor Rates, at least one-third of the present amount. *Work-houses*, and the like institutions, so far from being what they pretend to be, are often found to be nurseries for idleness and vice.

money to such as may apply for the use of it, according to the state and condition of the parties, and from the representation which may be made of them, by any person or persons of good and honorable character. The expediency and usefulness of such a plan is sufficiently obvious. It would be a considerable incitement to industry, and consequently tend to populousness; on both which, it must be remembered, conjointly taken, that the welfare of a State or Kingdom will always depend. Many have been and are now induced to emigrate to Foreign Parts, by reason of the heavy and *general* taxes of the country—taxes, indeed, which the exigencies of the State have from time to time, obliged its Rulers to impose. The assistance here proposed to be given to the indigent would be a great alleviation of their miseries, and consequently encourage them to remain in their native land: a great and desirable object, as I have hinted above. Many too, it should be recollected, are languishing in prisons, and their families in the greatest distress, when, from the relief so easily to be given, they might become at once both useful and happy. Nay, it may be observed, even of those who carry on their respective trades or professions with apparent success, that a considerable number are under the necessity of taking up money, at their outset in life, from Usurers, and the like description of men. Thus, originally in a state of oppression, they are unable, perhaps at any time, to realize a single shilling; but, on the contrary, labor under an increasing, and ultimately destructive debt. Many of these, I repeat, have actually *nothing to lose*; while a lesser number, with overgrown fortunes, are adding daily, and with an unjustifiable eagerness, to their store. Now, the danger to which, in such a state of things, a kingdom will be exposed in case of an insurrection among the commonalty, is apparent at the slightest glance. Indeed, we should ever bear in mind the evils which arose from a like disparity of fortune among the Romans, and guard against them with the nicest care. Of more recent and popular tumults, I at present forbear to speak.

So large a sum of money, as that which I propose to be raised, when thrown into the hands of tradesmen, manufacturers, and others, must necessarily be the means of giving employment to a great number of persons—I mean of the lower order, who would be engaged in the service of those who were indubited with loans, on account of their being unfortunate, but no way criminal.—From giving employment to those people, I say, our love of human nature would be shown in a particular degree, while our lives and properties would be in much greater safety than at present; for that a considerable number of those who are sentenced by

our laws to death or transportation, we driven by necessity, and from want of honest engagements, to the "dreadful trade" of *robbery*, (to use a kind of catachresis) is certain. The celebrated BECCARIA has remarked, that "it is far better to devise means for the prevention of crimes, than to study in what manner we shall inflict a punishment for them." The truth and justness of this observation no one, I believe, will dispute. But to my Plan. It is proposed to employ the Sum of Six Millions Sterling, raised as already suggested, in the following manner:

One Million to remain in the hands of Government for and during the term of Seven Years.

Five Millions to be lent to the Public: Four Millions, at three per cent. interest, to the higher sort, reduced by misfortunes—the sum to each person, from *One Hundred Pounds* to *Five Hundred*. And One Million to the lower but industrious class, without interest, in small sums; that is to say, from *Twenty* to *Fifty Pounds* each.

To some a part of the money intended to be lent might at first be given, and then a further sum advanced, or not, according as their good or bad conduct shall appear to the Committee, who may be assisted in their enquiries by persons to whom a yearly allowance may be given for their trouble.

The simple Interest on One Million, left Seven Years in the hands, and for the use, of Government, at three per cent.

is £ 210,000

The like Interest on Four Millions lent to the Public, is 120,000

£ 330,000

Note. The above sum of One Hundred and Twenty Thousand Pounds is the Interest on Four Millions for the first year only. This is to be secured for the benefit of the Land, by deducting from the several loans the three per cent. interest at the time of issuing out the money.

Thus, at the end of Seven Years, there would be the sum of One Million Three Hundred and Thirty Thousand Pounds in hand, without reckoning the compound interest, and saying nothing in regard to the interest on the Four Millions during the six following years, or the probable returns on the Five Millions first lent out to the Public, and which returns are to be added to the Stock or Fund. These returns to be employed in loans to the necessitous, on the same conditions as at

first, during the aforesaid term of Seven Years. The One Million, and the interest thereon, to remain, as already proposed, in the hands and for the use of Government, during the same space of time. At the end of Seven Years, the remaining Principal and Interest to be employed in perpetual Loans, according to the pleasure of the Committee. The Tax to be then again imposed, *or not*, as necessity may require, and which may be known by the Report of the Committee, who are to lay before Parliament, from time to time, a State of their Account with the Public.

That the higher class, such as Tradesmen, Manufacturers, &c. will willingly pay, if successful, three per cent. interest on the money lent to them, cannot be doubted; or that they will, in the like case of profiting by their business, return the sum which may have been advanced to them, in order that others may be in the same manner assisted: especially, when it is stipulated, that such persons should, if any particular misfortune might afterwards attend them, be again entitled to relief; *that is*, on proving to the Committee, that their failure was not from any misconduct in themselves, but from accidents which it was wholly impossible to foresee, or seeing them, to prevent.

It may be urged by some, perhaps, that the establishment in question is open to fraud and abuse, and that idle and profligate persons may squander the money which shall be advanced to them for their relief, so that neither Principal nor Interest will, at any time, come in to the Fund. But this must, in a great measure, be done away, when it is remembered, that *few* are to be assisted, to the full amount of Five Hundred Pounds, and *that* only in particular cases, such as the having an uncommonly large family, and the like; and that *scarcely any are to be relieved at all*, but such as are of fair and honorable character. To exclude the first-mentioned description of persons *entirely*, might possibly be thought unwise; because it is not unlikely that they might become sensible of their error, and amend. Such persons, as I have already said, might be relieved by a small sum at first, and afterwards farther assisted, if they may appear to be deserving of it. With respect to *losses*, there will certainly be many; and if those losses are put at one million, or even two millions, during the before-mentioned term of seven years, there will still be a prodigious sum remaining to be employed, as the Committee might see good, and in respect to the application which should be made to them for relief.

To speak of the lower orders of the people.—The superiority of this over other plans, which go to nothing further than the *employment* of the poor from day to day, is evident. It is superior, in as much as

they who have a chance of making provision for their families by some establishment, (for ~~at~~ this class of persons, married men alone are to be entitled to assistance) will exert themselves far more than in *labor*, which is to procure them merely a temporary, a *precarious kind of subsistence*; while they are at the same time subject, perhaps, to innumerable ills.

I just beg leave to remark, that the scheme in question is by no means of a wild or visionary nature; on the contrary, it is uncommonly easy, and practical. That the rich and powerful will cheerfully give their assistance, is beyond a doubt; while it is equally certain, that the middling, or trading class of the people will unhesitatingly agree to it, since it is meant to establish a fund in perpetuity, and which is to afford relief to themselves and families, in cases of misfortune and distress.

Again, and in conclusion.—We may easily figure to ourselves the several advantages which would be derived to the nation at large from the plan which is here laid down. How very many are there (I speak of the middling class of people) who at the present moment are struggling with difficulties, from which they cannot possibly extricate themselves. How very many are there likewise, who, with scientific heads, with abilities of various kinds, are yet unable, for want of a small sum of money, to carry into execution plans, which would perhaps be highly advantageous not only to themselves, but ultimately to the state to which they belong.

Let us reflect for a moment on the condition of men of good and liberal education, but who are without the necessary means of support. Let us think on the pain, the mortification they must endure. "He" says a celebrated Writer, "who is doubtful of a dinner, or trembling at a creditor, is little disposed to abstracted meditation or remote inquiries." Such, alas! is far too frequently the situation of worthy and ingenious men, and the world is a considerable loser thereby. These, perhaps, after many but ineffectual efforts to obtain from their fellows that notice to which they feel themselves entitled, sink into a supineness, an apathy, highly prejudicial to the interests of themselves and families.—*Their noble rage is entirely repressed: the genial current of their soul is frozen!* At length, despairing of any kind of succour, (for where is the individual to be found who can answer to every demand which may be made on his generosity?) and worn out in body as well as mind, they silently drop into the all-levelling grave! Such, we may observe, is the fate of many; while others, with a keener sensibility, and roused to absolute madness, hurry into acts of suicide, with all their imperfections on their heads!

But it is time, Sir, to think of closing a Letter, which however stands not, I hope, in need of apology. All I have now to contend for, is, that the above specified sum of Six Millions Sterling be forthwith raised, and applied, as nearly as possible, to the purposes already mentioned. Farther to insist on the excellency of the Plan, (which will, no doubt, receive improvement in your hands) or, on the present and future advantages to be derived from it, both to the State and People, were evidently a waste of words. It is founded at once on principles of *humanity and political good*. Worthy men, therefore, and worthy citizens—who know that, *to afford support to the unfortunate part of the community, is to give security and happiness to the whole*—will readily embrace a scheme which has no other object in view. And I will venture to predict, that the thanks and prayers of thousands, of very many thousands, will attend the Minister who shall propose, and the Parliament who shall give it effect.

I remain, with the utmost deference and respect,

Sir, Your obedient humble Servant.

London, Jan. 1. 1792.

ANDREW BECKETT.

Such is the plan proposed to the Minister. The immediate and certain benefits which would arise from it to the unfortunate must be evident to all: while its remote, or probable advantages to the state, a very tyro in politics may easily and clearly foresee. In my first publication, therefore, I dwelt not circumstantially on any of those advantages, deeming it wholly unnecessary so to do. Now, however, I shall proceed to particularize some few of them, as the generality of mankind are apparently too much engaged either by business or pleasure to inquire into the good, which, as I have before observed, must infallibly result from the execution of my scheme. But to the subject.—It is proposed in the foregoing Letter to reduce the poor-rates *one-third* of their present amount. This, perhaps, is somewhat more than the plan can compass. But should it reduce those rates *one-fourth* only, and which it certainly would do, it is undoubtedly deserving of attention. The poor-rates amount to three millions per ann. or twenty-one millions in the course of seven years. One-fourth of this rate taken off, the tax for raising six millions for the service of seven years, and which at first sight might be thought a burthen, is, in fact, no burthen at all. It leaves, at the same time, *one million* at the direction of Govern.

ment, for the aforesaid term of seven years, which must consequently enable the Minister to relieve the laboring part of the community from taxes to the said amount, supposing the nation to be at peace. It should likewise be remembered, that while so large a sum as twenty-one millions is collected in the course of seven years for the use of the poor, it must inevitably encourage *idleness*, but that if one-fourth of that rate is taken off, (and which would give the money required, and to be employed in loans for the term of seven years), it must, on the contrary, be an incitement to *honest industry*. Another to be considered is, that so much money being put in circulation on the terms proposed, (three per cent. for the use of it,) it must necessarily reduce the rate of interest at least *one per cent.*, and as necessarily raise the value of estates at least *four years* in the purchase. Thus a very considerable accession would be made to the landed property, not less than *eighty millions* sterling, (reckoning with Lord Auckland, that the rents throughout England amount to twenty millions, and valuing estates at only twenty years' purchase.) To set this matter in the clearest light—The interest of money being five per cent., a person lends four thousand pounds to bring him a profit of two hundred pounds per ann. for the use of it; or, he will give four thousand pounds, or more, for an estate of the yearly rent of two hundred pounds. Now, if the interest of money fall one per cent. he must lay down four thousand eight hundred pounds, in order to gain two hundred pounds per ann., while he must, for the like reason, give at least the same sum of four thousand eight hundred pounds, to purchase an estate of the before-mentioned annual rent.

It is evident, therefore, that the landed interest would gain at least eighty millions sterling by a reduction of one per cent. on the use of money: a reduction, which the sum I have proposed to be raised and employed in loans, would, without the smallest question, effect. To land-owners in general, the measure in question is consequently of the highest importance. Men make so much of their money by *redeemable annuities*, &c. to the amount of ten, twelve, and even fifteen per cent., that estates are greatly lessened in value by it. The granting of annuities should be declared unlawful; or, if it be in any case allowed, that not less than twelve years' purchase be given to the grantor. This will give the lender five per cent. for the use of his money, and pay, at the same time,

an assurance on the grantor's life, and which is requisite, when he (the grantor) cannot give security by pledges (I mean of moveables, for the mortgaging of houses and land I consider as prejudicial to a very useful body of men, as I intend hereafter to show). When this last-mentioned security (i. e. pledges of moveables) can be given, the annuity which *now* is usually done at six, seven, or at most at the rate of eight years' purchase, (a shameful imposition!) should always be done at the rate of twenty years' purchase. This likewise gives the lender five per cent. for his money—a sufficient interest—while, by reason of the property pledged, he is *secure*.

The landed gentlemen not being money-lenders, the reducing of the rate of interest cannot be hurtful to them; nor indeed can it be so to any, unless to usurers and extortioners—a set of men who ought to be universally reprobated. Nay, it is evident, that the land-owners, though they should contribute largely in consequence of the proposed poll-tax, must yet be considerable gainers, since an abatement of one per cent. on the interest of money would, as already observed, increase every estate at least four years' value in the purchase.

As to the objection of money-jobbers and monopolists, they should by no means be listened to. *The good of the people is the first law.* This, a truly virtuous Minister (and such we have now to boast) will ever bear in mind; disdaining, as Shakespeare so finely expresses it, to be played upon by others as a pipe. He will consider, too, that he must be far more secure in his place, if peradventure that should be his object, by gaining the good-will and affection of the people at large, than by an attention to the interest either of *individuals* or *companies*, already abounding in riches, in order to gain their favor, and for purposes, which he is at the same time ashamed to own: purposes, however, with which almost all persons are pretty well acquainted, and on which it is consequently unnecessary at this time to dwell. From the advantages already stated, he would always be sure to have the landed interest with him, and that is unquestionably the best.

If professed money-dealers are dissatisfied with the profit arising from the rate of interest proposed, and which even then must bring in considerable sums, let them give up that business entirely to *bankers*, turning their attention to commerce, to trade, and manufacture, of every kind. This would at once be the means of

enriching the nation, while it would prevent the injuring of the thoughtless, by the purchase of annuities, &c. at an under value.

This common practice, pecuniary traffic, is infamous and ruinous to many. It can only serve to add to the riches of those who already abound. It is a monopoly of the worst kind. Those men, indeed, are the droves of a country, and should meet with no encouragement whatever. If considerable fortunes are to be gained, let the active, the industrious part of the community be the favored, the protected persons—I mean the trader, the agriculturist, the manufacturer, &c., and if money is wanted by them to extend their several engagements or concerns, let care be taken that they have it at a fair and equitable rate.

A false kind of reasoning has gone abroad that the sort of *usury* in question (for so I hesitate not to term it) is advantageous to the public, because, as it is urged, men are frequently unable to procure any money for their uses at five per cent., though they can get it at twelve or fifteen;—and that it is consequently better for them to pay the latter premiums, and which they do in the way of annuity on the sums they may be in want of, than to be ruined, as would possibly be the case, if they were hindered from raising the money at all.

The argument is specious, but founded in error. The rate of annuities, like the interest of money, should, as I have already observed, be fixed by law. Should the plan I have proposed be adopted, the public will know where to find the sum they need; and if the stock should chance to be exhausted, a sufficient number of monied men will at all times be found, who will be willing to lend on just and reasonable terms. This, I say, they will

A word or two from Montesquieu will not be improper here. “In order that trade may be successfully carried on, it is necessary that a price be fixed on the use of specie; but this price should be inconsiderable. If it be too high, the merchant, who sees that it will cost him more in interest than he can gain by commerce, will engage in nothing. If there is no consideration to be paid for the use of specie, nobody will lend it, and there, too, the merchant will undertake nothing. I am mistaken when I say nobody will lend; the affairs of society will ever make it necessary. Usury will be established, but with all the disorders with which it has been constantly attended.”

unquestionably do, when proper security can be given, and when they become sensible that it will be *impossible to get more than a legal price.*^{*} If they complain of this as a *hardship*, I am of opinion that we should laugh them to scorn. What right have our usurers to complain, while they are considerable gainers, and without the labor and hazard to which the trader and manufacturer are subject in every case?

I have already observed, that the granting annuities, payable out of the rents of estates, and which are usually done at the rate of eight or ten years' purchase, should not, in any case, be allowed: and this I have said, as being highly prejudicial to farmers in general, the most useful body of men that the kingdom can produce. If landholders are in want of money, and which now is frequently the case, they had rather grant annuities secured on their several estates, than dispose of any part of them; and this, for no other reason than that they would be the nominal possessors of what had been left them by their fathers. The sum they require is thus obtained. This sum, in all probability, is presently squandered; another is raised in the same way, and then the tenants of the remaining part of the property are subject, at the expiration of their leases, to a rack rent, which, with difficulty they are able to pay.

If proprietors of land are in want of money, let them be obliged to dispose of a certain part of it. This will produce three times the sum that they could raise on it by granting annuities, while it would hinder them from oppressing the farmer; who, in such a case, may possibly be able to live without the necessity of

^{*} Cicero tells us that, in his time, interest at Rome was at 64 per cent. This evil was a consequence of the laws against usury. Laws excessively good are the source of excessive evils. The borrower found himself under the necessity of paying for the interest of the money, and for the danger the creditor underwent of suffering the penalty of the laws.—*Spirit of Laws.*

This evil, which Montesquieu is at a loss to obviate, (though he has observed before, and rightly, that it is proper to fix a price on the use of specie,) might be sufficiently guarded against by making the penalty on usury so very high, that the borrower could not possibly pay it. But as I have already said, with six millions newly put in circulation at three per cent, the interest of money must necessarily decrease. Usury would presently fall to the ground.

borrowing, which he is now continually obliged to do. That our agriculturists, generally speaking, are deserving of particular attention, every thinking man, I believe, will allow.

But to set the matter in another light. It is clearly the *interest* of the land-owner to suffer the husbandman to stand at an easy rent. He may then expect that his money will be paid to him at regular and stated times; to say nothing of the satisfaction which must arise to him from allowing a fellow-creature to *live*; from enabling the industrious farmer to support himself and family in a decent and comfortable manner.* Beside, it should be remembered, that even in a pecuniary point of view, the raising of the value of estates by lowering the interest of money, will be far more than equivalent to any rack-rent whatever.

* I must here take occasion to remark, that a scheme like the present, is not likely to be taken up by the merely *plodding statesman*,¹ and who can with difficulty be put out of the beaten track.² Or should he be made sensible of the advantages to be

¹ Such too was the opinion of a late elegant French writer, which I am induced to lay before the reader:—"Toute idée trop étrangère à notre manière de voir & de sentir, nous semble toujours ridicule. Le même projet qui, vaste & grand, paraîtra cependant d'une exécution facile au grand ministre, sera traité par un ministre ordinaire, de ton, d'insensé: & ce projet, pour me servir de la phrase usitée parmi les sots, sera renvoyé à la *république de Platon*. Voilà la raison pour laquelle, en certain pays, où les esprits sont peu capables de grandes entreprises, on croit couvrir un homme du plus grand ridicule, lorsqu'on dit de lui, *c'est un homme qui veut réformer l'état*. Ridicule que la nécessité d'une réforme fait, aux yeux des étrangers, retomber sur les moqueurs." Again, and touching our respective duties. "Le public ne connoît, & n'estime que ce mérite prouvé par les faits. A-t-il à juger des hommes de conditions différentes? Il demande au militaire, *quelle victoire avez-vous remportée?* à l'homme en place, *quel soulagement avez-vous apporté aux misères du peuple?* Au particulier, *par quel ouvrage avez-vous éclairé l'humanité?* Qui n'a rien à répondre à ces questions, n'est connu, ni estimé du public."—*Helvetius De l'Esprit*.

² It was observed to me by a celebrated literary character, immediately on the publication of my Letter to Mr. Pitt, that the plan laid down in it might well be styled a *noble one*; but that he feared there was not spirit enough in the then administration for it. He at the same time added, that

derived from it to the nation, he might, as it would take some little money, and immediately, from the rich, be yet unwilling to proceed in it from a fear of incurring their displeasure. This, however politic it may be thought by some, is merely the *policy of the moment*; and he must be a shallow statesman indeed, who does not perceive, that to support and encourage the trading, manufacturing, and agricultural part of the community, is at once his interest and his duty. For though to drain the middling class of people has hitherto been the principal object of the ministers of almost every country in Europe, they must, in a little time, be convinced not only of the cruelty of the measure, but that it is really destructive of the very advantages they hope to gain.² It is extremely easy for those who are indulging themselves in every kind of luxury, to talk of the prosperity of the country. They urge it from the receipts of the Exchequer.³ Nothing, however, can be more fallacious. A worse, or more absurd kind of reason-

were the great Earl of Chatham in being, he would, in all probability, carry it into execution.

¹ The *sang froid* of one of our *premiers* is remarkable. When questioned about the state of the country, and when its ruin was apprehended, he exclaimed, "Oh! it will last my time." An answer at once disgraceful to him as a *minister* and a *man*.

² The bulk of the people, and who, by the way, are really the sinews of a state, have been long held by the rich and powerful of most countries in the utmost degree of contempt. The effects of reproaching them with their *poverty*, as though that poverty were a crime, has been sufficiently seen in France. Those whom the affluent should have assisted, were styled by them *gueux*, *brigands*, &c. But they have felt, severely felt, the *impolicy* (to give it no other or harsher name) of first neglecting, and afterwards insulting, a *once* virtuous community, who wished originally for nothing more than to partake, in a small degree, of the ordinary comforts of life. It is true that the sanguinary proceedings of the French are in no sort to be defended. But this it is to exasperate an entire people; and such the fatal consequences arising from Louis's breach of faith!

³ So early as the time of Trajan, his wife Plotina advised him to *prefer the interest of his people to that of his exchequer*.

ing cannot be made use of. At the present day, what numbers are to be seen who run into luxury and extravagance! This the meaner sort are enabled to support for a time, sometimes by borrowing, and not unfrequently by trick and chicanery. But if the nation is so generally prosperous, why are there so many complaints? Why do we hear of poverty, of distresses among the trading and manufacturing part of the community? I insist, the reasoning of some of our politicians on the general prosperity of the nation is inconsequent and deceitful.

The fact is, that the wealth of the kingdom is great, but that it is, comparatively speaking, in the hands of a very few. But, further, can that country be said to be prosperous which has so many poor, and for whom it is obliged to provide? Look to the astonishing number of *beggars* in our streets. Look to the *debtors* in our jails. Are bankruptcies less numerous than in former days? Consider the number of persons whom the law condemns to death or transportation. And after this, shall we talk of the prosperity of the country, or of the people? The largeness of the revenue, as I have, before remarked, is nothing in proof of it, but the very reverse, if the general condition of the people be considered. But by the plan which I have laid down, and which I am so greatly desirous of seeing carried into execution, the very poor, to whom we now give such prodigious sums of money, and others, who contribute nothing to the support of the state, would be enabled to bear a part in the national expense: since they who are in tolerably easy circumstances, will assuredly indulge themselves in the *excesses* of commodities of the realm, and from which, by reason of their poverty, they had before been obliged to abstain. "One would almost imagine," said that able minister Colbert, in a conversation with Louis Quatorze, and speaking of the wretchedness of the lower orders of the people in France, "One would almost imagine that they deprive themselves of the necessities of life in order to defraud your majesty of your revenues." A gentle admonition, pointing out the civil and moral obligations of the Prince towards his people: an admonition, by the way, which Louis was so far from being offended at, that he shortly after appointed Colbert superintendant and chief director

of the trade and manufactures of France. I repeat, the industrious husbandman should be encouraged and protected. The waste lands of Great Britain are extensive, and ought to be considered in nearly the same point of view as the *conquered* lands¹ among the Romans. A grant of these wastes should be issued to a certain number of persons, (with small sums of money from the fund) in order to their cultivation, and for the growing and rearing of cattle, &c. This, in a little time, would lower the price of animal food, and, indeed, of all kinds of provisions, and which are now kept up by rich monopolizing graziers, &c. The benefit which would arise from this to the lower orders of the people must be great. Should it be objected that from a greater number of persons being thus engaged in occupations which are now, perhaps, in the hands of a few, *those few*, by reason of the smaller demands which there would be for their several commodities, must necessarily sustain an injury; I answer, that the objection is by no means valid. For instance, if the grazier and the farmer are obliged to sell at lower rates than they had heretofore done, and which reduces the price of provisions, the manufacturer and the trader, by a certain consequence, will lower the price of their goods and wares of every sort. This, I say, they must do, or there will presently be numbers to *under-sell* them. All, by this means, will live in comfort, if not in affluence; while the lower orders, as I have already hinted, will be kept from starving, for, as the several branches of traffic will ever operate on and support each other, there will be no necessity for lowering the price of labor, the value of money remaining as before.

Another matter deserving of particular attention is, that convicts, instead of being sent to Botany-bay at an enormous expense, might be kept at home, and employed on board fishing busses stationed round the coast of England. Our sailors too, who are seen in considerable numbers in the streets of London, and who are compelled by dire necessity to

“ Beg bitter bread through realms their valor sav’d,”

Young.

¹ See Roman History for the *Lex agraria*.

might, in the same manner, be furnished with the means of support, by allowing them a tridling pay for their services, and keeping them in vessels entirely distinct from the Convicts.*

The advantages which would be derived to the nation by this so easy improvement of our fisheries must be astonishingly great: while we are at the same time establishing a nursery for seamen, which would consequently render the unconstitutional mode of impressing no longer necessary in time of war. But still further, and "though last not least," let us think on the Scholar without fortune: *the indigent Gentleman*.¹ Let us—I once more repeat and urge it—let us reflect on the mortifications to which the man of merit is exposed, who is in want of money: of the insults he is almost sure to receive from the wealthy when suing to them for some little relief.² In saying this, I am at the same time perfectly sensible, that there are several among the affluent of truly noble and generous dispositions: but it is impossible that they should give assistance to all. I allude to the greater number who are rolling in riches, and who, from envy, malice, or at least, a base indifference, are only desirous of living for themselves.

What a miserable, what a wretched situation for the learned,

* A Political writer of ability has observed that we have internal resources in this Island, and in the due attention to the fisheries round it, to support at least one hundred times the number of inhabitants it contains.

² "En effet, soit que les hommes soient naturellement cruels, toutes les fois qu'ils peuvent l'être impunément, soit que les riches et les puissans regardent les misères d'autrui comme un reproche de leur bonheur, soit enfin qu'ils veulent se soustraire aux demandes importuns des malheureux; il est certain qu'ils maltraitent presque toujours le misérable. La moindre faute qu'il fait, est un prétexte suffisant pour lui refuser tout secours: on veut que les malheureux soient parfaits. En un mot, la vue de l'infortuné fait, sur la plupart des hommes, l'effet de la tête de Méduse: à son aspect les cœurs se changent en rocher." *De L'Esprit*.

"Pride, that plague of human nature, which does not measure happiness so much by its own conveniences, as by the miseries of others, and would not be satisfied with being a Goddess, if none were left that were miserable over whom she might insult: and thinks its own happiness shines the brighter by comparing it with the misfortunes of other persons: that by so displaying its own wealth, those persons may feel their poverty the more sensibly." *Sir Thomas More*.

the ingenious, and the virtuous! who are obliged to solicit aid from persons whom, while soliciting it, they cannot but despise. In sickness, perhaps; or, if in health, unable to purchase the books which may be wanting to them, in order to complete the several performances they might have in hand, and from which they might derive to themselves at once both honor and profit.

In the name of the Father of mercies! let us then stretch forth our hand in support of the deserving of every class. Let us consider that in so doing we may probably, in the course of a little time, enable those very men, who are now in the greatest distress, to pour the balm of comfort into the wounds of the afflicted. Let us finally remember too, that the philosophy both of Aristotle and Plato (and it is the philosophy not so much of the head as of the heart) *considered wealth as a desirable blessing, and looked on poverty as an obstacle to the exercise of every virtue.*

Here is yet another matter which I would particularly recommend to the consideration of the world. Many of our young and beautiful women are driven by actual want into the most infamous courses of life. I therefore propose that the interest of the four millions lent to the public (which interest at three per cent. per annum amounts to a considerable sum) be set apart entirely for the use of destitute females; that is to say, that it be dealt out to them in marriage portions of fifty and one hundred pounds each, &c. But to place my plan or project in a *more political point of view*. It is not the almost total abolition of taxes (as proposed by Paine) that can make a country great and flourishing, so as to withstand the efforts of its several enemies: it is *the enabling the people to pay those taxes*, that must effectually do it. By aiming at a *perfect equality*, a turbulent, democratical form of government would be established: which, indeed, and properly speaking, *is not a government*, but, as Plato has observed, a shop or warehouse of all sorts of Governments. In a word, I am persuaded that an absolute levelling system is in no sort wise expedient, or even *practicable*, unless for a moment. To attempt its establishment were positive madness; and to oppose it without affording some assistance to the people, were the same. The most advisable measure, therefore, that

can be pursued is clearly that which I have pointed out. "The middle way is the safest." *It is the best.* This too, I will add, is the very time for the plan in question. Now, when the *Rights of Man* are so loudly insisted on: This attention, by gaining the affections of the middling class of the people, would be a greater security to the kingdom than hosts of soldiers in arms, while its prosperity would be certain; and if at the same time we convince the lower orders that we consider them as *Men*, we may be sure of their hearts. But this matter is so very ably set forth by M. Necker,¹ that I should beg leave to adduce his opinion in support of what I have advanced. The only question then is, whether *the few*, and those abounding, *wallowing*, as one may indignantly call it, in riches, shall yield to the *many*, who are evidently poor and distressed; or these to them, in order that they may the more indulge in luxury and extravagance of every kind? But let us yet hope that they will listen to the cries of the unfortunate which daily "go forth in the streets:" that they will stand forward with the petty sums which are required from them, and hasten the beneficent act which I have proposed. If this they will not do; why let them be told, that their *right*, their *power*, is but usurped; and that they may be in danger of feeling the distress, at which they at present make a mock. After all, I doubt not that there is still a considerable number of persons, who, on hardly reading the title page of the present pamphlet, will exclaim in warmth—"Do we not already contribute largely

¹ "A continual attention to the interests of the people, is of all obligations, that which is most extensive in its operation; and this principle considered as a simple rule of conduct, would perhaps be sufficient to direct every measure of the Minister. In fact it is not alone as being one of the most sacred duties of humanity, that I would recommend to the Minister of the finances, the protection of the people at large, and the defence of the poor in particular; but it is likewise because that solicitude is an efficacious mode of augmenting the prosperity and strength of a state."

Administration of the finance of France.

M. Necker, however, has only in a general way, recommended an attention to the interests of the people. He has laid down no particular plan for promoting those interests.

to the relief of necessitous people, and shall we farther be burthened?"

This is indeed, a very hasty, and erroneous conclusion. The plan, as before observed, is to reduce the poor rates at least one-third of what they at present stand at, and which I am firmly persuaded it would almost instantly effect. But were it even possible that the same sum should be required as before for the support of the poor, still there are many, very many indeed, who stand particularly in need of the assistance I am so greatly desirous of procuring to them:—Men, who from education, from former situations in life—high, perhaps, and flourishing, (but reduced, some by unavoidable misfortunes, and some by the baseness of mankind) are unwilling, are *unable*, in short, by reason of a decent, or becoming pride, that yet attends them in their fall, to accept the support which a *poor-house* might possibly give. These, I say, are the persons to whom, above all, I would afford relief.

I am thoroughly sensible, that very many arguments might yet be brought forward in favor of my scheme. I cannot but be of opinion, however, that I have said enough to the inhabitants of a "*Christian Land*"—"Power and fortune," says the admirable Plato—"must concur with justice and prudence in order to accomplish any thing great and glorious in the management of public affairs."

To power and fortune, therefore, (aided by the cardinal virtues which the Athenian sage has pointed out,) I submit the matter contained in the foregoing pages: which originates entirely in the love of my Country and my King.

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